

The Language of Human Rights and European Youth Organizations

Silja Markkula

University of Helsinki

Faculty of Social Sciences

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<p>Human rights have become a hegemonic discourse, taking various forms across the world. They take shape in both legal and bureaucratic processes, having an impact on national legislation and institutions across the globe. They also appear in contexts outside of the law or human rights institutions, in the media, in everyday speech, in the work of non-governmental organizations or even companies. Simultaneously, however, anthropologists have noticed a significant decline in human rights in political contexts, in comparison to previous decades. The purpose of this thesis is to increase the understanding of the mechanisms and processes that currently are maintaining the hegemony of the discourse. This thesis approaches the human rights discourse through three research questions. Firstly, how do European youth organizations maintain the hegemony of the human rights discourse as they engage with human rights mechanisms? Secondly, how do young people involved in youth organizations make human rights claims? Thirdly, in what position does the use of the human rights discourse put the young people in regards to the hegemonic discourse? The focus is on finding out to what extent the young people are shaping the hegemonic discourse and to what degree they are ruled by it.</p> <p>The research has been conducted through participant observation and interviews, that have been conducted between September 2018 and March 2019, within the context of a Brussels-based umbrella organization of European youth organizations. The primary data consists of notes from participant observation of meetings and work of a working group that focuses on youth rights, as well as 11 semi-structured interviews and some informal interactions, as well as some NGO reports. This is supported by secondary data, namely, policy papers and publications on youth rights, and a UN report and resolutions on youth and human rights. The data has been analyzed through discourse analysis.</p> <p>Making human rights claims entails defining issues, struggles or debates as human rights violations. In the case of the studied youth rights discourse, a variety of societal challenges that young people are facing were identified as human rights violations. Furthermore, making human rights claims requires a certain grasp of the UN register. This means knowing the practices and language required to be able to address issues through the UN Universal Periodic Review (UPR). The studied working group has an essential role in the process of language socialization. Through their engagement with the UPR, the youth representatives are learning to grasp the UN register in appropriate ways. For the involved youth organizations, both the choice of topics as well as phrasing of UPR submissions and recommendations are shaped by previous recommendations made by states to each other, as well as UPR submissions that have been made earlier in the process by other youth organizations. This contributes to recreating and maintaining the hegemony of the human rights discourse. When struggles are defined as human rights violations and addressed through the UPR, the struggles are scaled. Firstly, they are defined as national human rights issues through the UPR submissions, and then brought to the international institution to be addressed. Secondly, by addressing national struggles through the UN system as human rights claims, the state is being defined endorsed the primary responsible for ensuring that human rights are realized.</p> <p>Briefly, through the actions and support practices of the European youth organization, the young people involved are learning to identify and frame challenges of young people as human rights violations in the acceptable forms of language that the human rights discourse constitutes. However, using the human rights discourse and speaking about youth rights does not in itself constitute youth rights as a legally recognized matter. This requires institutional power that is derived through legalization of the rights claims by national and international institutions.</p>		
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<p>Ihmisoikeudet ovat saavuttaneet hegemonisen diskurssin aseman, saaden lukuisia eri muotoja ympäri maailman. Ne ilmenevät niin lainsäädännössä kuin byrokraattisten prosessien muodossa, ja vaikuttavat niin kansalliseen lainsäädäntöön kuin globaaleihin instituutioihin. Ihmisoikeudet ilmenevät myös lainsäädännön ja ihmisoikeusinstituutioiden ulkopuolella, mediassa, arkipuheessa, sekä kansalaisjärjestöjen ja myös yritysten työssä. Samaan aikaan, antropologit ovat havainneet merkittävän laskun ihmisoikeuspuheen määrässä poliittisissa konteksteissa, aiempiin vuosikymmeniin verrattuna. Tämä pro gradu -tutkielma pyrkii laajentamaan käsitystämme niistä mekanismeista ja prosesseista, jotka tällä hetkellä ylläpitävät ihmisoikeusdiskurssin hegemonista asemaa. Tässä pro gradu -tutkielmassa tarkastellaan ihmisoikeusdiskurssia kolmen tutkimuskysymyksen kautta. Tutkielmassa analysoidaan miten eurooppalaiset nuorisjärjestöjen edustajat myötävaikuttavat ihmisoikeusdiskurssin hegemonisen aseman ylläpitämiseen, osallistuessaan Yhdistyneiden Kansakuntien (YK:n) yleismaailmalliseen määräaikaistarkasteluun. Tutkielmassa tarkastellaan, miten nuorisjärjestöissä aktiiviset nuoret laativat ihmisoikeusvaatimuksia. Lisäksi tutkielmassa pohditaan minkälaiseen asemaan ihmisoikeusdiskurssi asettaa nuorisjärjestöissä toimivat ihmiset: missä määrin nuoret muokkaavat hegemonista ihmisoikeusdiskurssia, ja missä määrin diskurssi vaikuttaa nuorten toimintaan?</p> <p>Tutkielman aineisto on kerätty osallistuvan havainnoinnin sekä haastattelujen muodossa, vuoden 2018 syyskuun ja vuoden 2019 maaliskuun välillä. Tutkimuskenttänä on eurooppalaisten nuorisjärjestöjen kattojärjestö, jonka toimisto sijaitsee Brysselissä. Primääriaineisto koostuu yhdestätoista teemahaastattelusta, epäformaaleista keskusteluista sekä muistiinpanoista, jotka on kerätty osallistuvan havainnoinnin kautta nuorten oikeuksiin keskittyvän asiantuntijaryhmän kokouksista ja työskentelystä, sekä kansalaisjärjestöjen raportit YK:n yleismaailmalliseen määräaikaistarkasteluun. Tämän tukena toimii toissijaisena aineistona käytetyt linjapaperit ja julkaisut nuorten oikeuksista, sekä YK:n raportti ja resoluutiot nuorista ja ihmisoikeuksista. Aineistoa on analysoitu diskurssianalyysin keinoin.</p> <p>Ihmisoikeusvaatimuksien esittäminen edellyttää ongelmien muotoilemista ihmisoikeusloukkauksien muotoon. Nuorten oikeuksien diskurssin kohdalla laaja joukko erilaisia nuorten kokemia yhteiskunnallisia haasteita on määritelty ihmisoikeusloukkauksiksi. Ihmisoikeusvaatimusten esittäminen ja -mekanismien hyödyntäminen edellyttää lisäksi YK:ssa käytetyn kielen ja käytäntöjen hallintaa. Osallistuessaan YK:n yleismaailmalliseen määräaikaistarkasteluun kansalaisjärjestön näkökulmasta, eurooppalainen nuorisjärjestöjen kattojärjestö tukee nuorisjärjestöedustajia asianmukaisen YK:n kielen hallitsemisessa ja oppimisessa. Kansalaisjärjestöraporttien aiheiden valintaan ja suositusten muotoiluun vaikuttaa aikaisemmat valtioiden toisilleen esittämät suositukset, sekä aiemmat muiden nuorisjärjestöjen laatimat raportit. Tämä osaltaan myötävaikuttaa ihmisoikeusdiskurssin hegemonian ylläpitämiseen. Kun nuorten kokemat yhteiskunnalliset haasteet määritellään ihmisoikeusrikkomuksiksi ja niihin puututaan yleismaailmallisen määräaikaistarkastelun kautta, haasteet skaalataan. Ensin ne määritellään ihmisoikeusrikkomuksiksi kansallisella tasolla, ja tuodaan kansainvälisen instituution prosessin käsiteltäväksi. Toiseksi, kun kansallisia haasteita käsitellään ja muutetaan oikeudelliseksi YK:n mekanismin kautta, valtio määritellään ensisijaiseksi vastuutahoksi takaamaan ihmisoikeuksien toteutumisen.</p> <p>Eurooppalaisen nuorisjärjestön toimien ja tuen kautta nuorisjärjestöissä toimivat nuoret oppivat identifiomaan ja muotoilemaan nuorten kokemia haasteita ihmisoikeusrikkomuksiksi sellaisella kielellä, joka on hyväksyttävää ja ymmärrettävää ihmisoikeusinstituutioissa. Ihmisoikeusdiskurssin hyödyntäminen ja nuorten oikeuksista puhuminen ei kuitenkaan itsessään validoi nuorten oikeuksia laissa tunnistettavaksi asiaksi. Tämä vaatii institutionaalista valtaa, joka syntyy ihmisoikeusvaatimusten laillistamisen kautta kansallisissa ja kansainvälisissä instituutioissa.</p>			
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1 Introduction

Human rights have become a hegemonic discourse, taking various forms across the world. They take shape in both legal and bureaucratic processes, having an impact on national legislation and institutions across the globe. They also appear in contexts outside of the law or human rights institutions, in the media, in everyday speech, in the work of non-governmental organizations or even companies. Simultaneously, however, anthropologists have noticed a significant decline in human rights in political contexts, in comparison to previous decades. Therefore, understanding the mechanisms and processes that currently are maintaining the hegemony of the discourse might also support in understanding the decline.

This master's thesis focuses on how the human rights discourse is taking shape among European youth organisations. The thesis focuses on three research questions. Firstly, how do European youth organizations maintain the hegemony of the human rights discourse as they engage with human rights mechanisms? Secondly, how do young people involved in youth organizations make human rights claims? Thirdly, in what position does the use of the human rights discourse put the young people in regards to the hegemonic discourse? The focus is on finding out to what extent the young people are shaping the hegemonic discourse and to what degree they are ruled by it.

As an approach to these questions, I will define the concept of hegemony loosely as legitimization of structures through power derived by consent. The concept of hegemony was initially developed by Antonio Gramsci through his work, including his letters sent from prison. Consent seems to be at the core of the notion also for Gramsci, as Thomas Bates puts it in his article analyzing Gramsci's work: "The concept of hegemony is really a very simple one. It means political leadership based on the consent of the led, a consent which is secured by the diffusion and popularization of the world view of the ruling class." (Bates 1975: 352). For Gramsci, his notion on hegemony is also closely linked to his distinctions of the state and the civil society, where hegemony is the power derived from "the Church, the Trade Unions, the schools etc." (Gramsci & Hamish 1988: 161).

The prevalent approach to human rights is closely linked with the instrumentalist view of law as a tool, which limits how human rights can be talked about: "In this way, the

technocratic instrumentalism that pervades U.S. domestic legal knowledge has also become the hegemonic form of international legal reform projects such as human rights.” (Riles 2006: 59). In an attempt to avoid instrumentalist knowledge practices prevalent in the field of human rights, this thesis seeks to simply describe how the hegemony of human rights discourse is maintained, recreated and transformed, through ethnography. Avoiding instrumentalisation an analytical approach to human rights, is not, however, a step towards the debate of universalism versus relativism of human rights, nor is it a rejection of human rights as a universal moral system. Instead, I will attempt to gain a deeper understanding of human rights in practice, by focusing on the various knowledge practices, production of documents and pedagogics of human rights processes, as youth organizations engage with the human rights machinery.

1.1 Research questions

Youth as a demographic group is increasingly gaining attention at the United Nations Human Rights Council. There have been three Human Rights Council resolutions on youth and human rights since the first one adopted in 2016. Furthermore, we can see an increase in the engagement of youth organizations with human rights mechanisms, in particular with the Universal Periodic Review. This ethnographic study focuses on how youth organizations engage with the UPR, and how the discourse of human rights is present in their work.

My interest here is in particular in the concept of youth rights, which are being advocated for by a network of European youth organizations. In this thesis I am focusing on the following research questions. Firstly, how do European youth organizations maintain the hegemony of the human rights discourse as they engage with human rights mechanisms? Secondly, how do young people involved in youth organizations make human rights claims? Thirdly, in what position does the use of the human rights discourse put the young people in regards to the hegemonic discourse? Through these questions I will describe how youth rights as a concept emerge in interaction and through practices around human rights. I will elaborate on how youth organizations make use of the global human rights discourse, in what degree their actions are determined by it, and in what extent, if any,

the discourse itself is transformed as youth organizations engage with the Universal Periodic Review.

Human rights anthropology is the theoretical framework supporting me in my research on these questions. I will look into these questions through the concepts of vernacularization, bureaucracy and scale-making.

1.2 Studying the politics of human rights

To approach these questions, I chose to focus on the European umbrella organization of youth organizations, the European Youth Forum, as my main field of study. The organization among its advocacy work supports youth organisations across Europe in engaging with human rights mechanisms. I looked at the organization as a whole, but followed the work of one of its working groups in particular. The working group is a structure within the organization, and has been existing for several years in various forms and constellations. By focusing on an organization explicitly working to promote youth rights, I hoped to gain further insights into the processes maintaining and recreating the hegemony of the human rights discourse.

My starting point was to look at the discourse of youth rights, what it is about, in what contexts and how it is used and what it says about human rights. Youth rights is a term often used in the context of youth and human rights, both by youth representatives, but also some government employees as well as UN officials. Furthermore, I focused on the engagement of youth organizations with the UN Universal Periodic Review (UPR), which was identified as an activity through which the informants try to advance youth rights. I looked into how youth organisations are engaging with the human rights mechanism, and also, why they engage with the UPR in the first place. With this as the starting point, I have tried to understand how youth rights are being imagined and created through words and actions.

In the studied context, young people are advocating for legal change in various areas. A few examples of the legal changes that are advocated for by the youth representatives are lowering the voting age, lowering the age of candidacy to run for an office, abolishing

lower, youth specific minimum salaries and gaining recognition for LGBTQI rights. All of these are debated societal issues which are not yet rights enjoyed by young people in the countries in question. As youth organizations engage with human rights mechanisms, these topics are framed as human rights claims, as demands for rights that are not yet ensured through national or international legislation.

1.3 Chapters

In the next chapter I will briefly describe the history of anthropology and human rights, and what different phases it has gone through, in order to situate my thesis in the context of anthropological research on human rights. I will furthermore elaborate on and discuss key concepts that are relevant in my analysis and set the theoretical framework of this study. In the third chapter I will describe ethical considerations, as well as elaborate on the methodology that has been used in my research. I will describe what kind of data I collected through participant observation and interviews as well as reflect on limitations and challenges of this study.

The fourth chapter is a description of the engagement of the studied youth organizations with the Universal Periodic Review on the one hand, and an analysis of the impacts of bureaucracy on this engagement on the other hand. The reader will be guided through the process alongside an analysis of various practices that both contribute to defining young people as a group as well as to reproducing the human rights language that is used in the UPR.

When struggles are defined as human rights violations and addressed through the UPR, the struggles are scaled. Struggles defined as national are brought to an international institution in order to bring change to the national level situation. In the fifth chapter I will present scale-making practices at stake when youth organizations engage with the UPR. The scale is both helping in making sense of the process, as well as institutionalized through the UPR process.

Making human rights claims requires defining issues as human rights violations. The sixth chapter familiarizes the reader further with the youth rights discourse. I will elaborate

on what kinds of topics specifically are defined as youth rights, and further, as human rights violations, and how the youth rights discourse is shaped and debated. I will analyse the hegemony of human rights through Pierre Bourdieu's concepts of doxa, orthodoxy and heterodoxy (1977) and elaborate what consists the area of opinion in the context of youth rights, and what remains unquestioned and naturalized.

2 Anthropology and human rights

In this chapter I will situate my thesis in the context of earlier anthropological research on human rights. I will describe the different phases in the relationship between anthropology and human rights, as elaborated by Goodale (2006b). I will also elaborate on how this thesis situates in the context of anthropology and human rights, in light of earlier research. Key concepts relevant in the studied context will also be introduced in this chapter. I will focus on the duality of legal pluralism and legal centralism, introduce the concept of vernacularization of human rights, as well as discuss the process of scale-making as an aspect relevant for my study. First, however, I will elaborate on the UN Universal Periodic Review as a process, since it has been a key focus point in the studied field, and will be the guiding process throughout this thesis.

2.1 The UN Universal Periodic Review

The Universal Periodic Review (UPR) is a process that was created in 2006 through a resolution adopted by the UN General Assembly. In the UPR, all United Nations member states are reviewed periodically on their human rights situation. The objective of the process is stated to be to improve the human rights situation in countries across the globe. (OHCHR 2019).

The UPR was created as a result of critique towards the previous structure of the human rights system, with “widespread accusations that the UN’s long-standing Commission on Human Rights was guilty of ‘politicisation’ and applying ‘double standards’, scrutinizing some states for human rights while allowing other states to escape scrutiny.” (Cowan & Billaud 2015: 1175). Reviewing all UN member states can be seen as a way to step back from this challenge and as a response to the accusations.

Jane Cowan and Julie Billaud describe the UPR as a public audit ritual (2017: 109), in the sense of Marilyn Strathern’s concept of audit culture (see Strathern 2000). The term is an attempt to describe “the nature of UPR as a form of ‘soft power’, involving a combination of coercion and voluntary engagement, and of external (collective peer)

oversight plus self-revelation and anticipatory self-regulation.” (ibid.). The public aspect reflects the hegemonic value of transparency that is inscribed in practices of the UPR but is not necessarily a description of actual accessibility of the mechanism by the public (ibid.: 112–113).

During the process, every UN member state in its turn gets reviewed for the state of human rights in the country. This forms cycles of approximately four years, during which every country is reviewed. The process happens in a peer review format where other states give recommendations to the State under Review on how to improve the human rights situation. The recommendations are then supported or noted by the State under Review, where the ones supported are also expected to be acted upon before the country is reviewed again. (UPR Info 2017: 8).

The review is based on three documents: the national report conducted by the state under review, a compilation of UN information conducted by the Office of the High Commissioner for Human Rights (OHCHR) based on UN sources on the situation in the country, as well as a stakeholder summary which is also compiled by the OHCHR, on the basis of submissions from civil society organizations and national human rights institutions (UPR Info 2017: 9). In this thesis I have approached the process with a focus on the production of the submissions of non-governmental organizations (NGOs), which are sent to OHCHR. My focus is on European youth organizations and their European umbrella organization in particular. The network of organizations plays an important role in encouraging youth organizations in getting involved with the UPR in the first place, as will be seen in later chapters of this thesis.

2.2 Studying human rights as a process

Anthropologists have engaged with human rights in varying degrees since the negotiation and adoption of the Universal Declaration of Human Rights in 1948. Mark Goodale has identified different stages in the relation of anthropology as a discipline to human rights and describes them in his work. He distinguishes three different phases in the relation between the anthropology and human rights - the phases of engagement, disengagement, and reengagement (2006b: 485). I will elaborate on these phases more in detail in what follows.

The engagement phase refers to the initial contact of the discipline of anthropology with the topic of human rights. This happened in 1947, at the time when the Universal Declaration of Human Rights Declaration (UDHR) was still in the process of being drafted when UNESCO approached Melville Herskovits and the American Anthropological Association (AAA) to comment on the creation of the UDRH. (Goodale 2006b: 485–486). With Herskovits' lead, the American Anthropological Association published a statement that “rejected the validity of a universal declaration of human rights on both empirical and ethical grounds.” (ibid.: 486). In the following year, some anthropologists provided critique to the 1947 statement of the American Anthropological Association. These were comments on how anthropology as a discipline cannot and should not take a stance in the matter of human rights. The justification of this critique was that “anthropologists are scientists, and scientists are epistemologically barred from validating moral propositions such as those contained in the declaration”. (ibid.: 486–487).

In Goodale's terms, this brief encounter with the human rights debate in its early days was followed by a phase of disengagement of anthropology from the topic of human rights. Goodale notes that “After 1949, the phrase ‘human rights’ did not appear in the title of any article published in the AAA's flagship peer-reviewed journal until 1987.” (2006b: 487). The phase of disengagement of anthropology from human rights thereby lasted for several decades, after the brief initial contact with the topic at the end of 1940s.

The reengagement of anthropology with the topic of human rights happened at the end of the 1980s and 1990s. This culminated in a declaration from the American Anthropological Association, adopted in 1999. The new declaration takes a rather opposing view compared to the declaration from 1947. (Goodale 2006a: 3). The 1999 declaration underlines the importance of anthropology as a discipline and profession to engage with the topic of human rights:

The AAA definition thus reflects a commitment to human rights consistent with international principles but not limited by them. Human rights is not a static concept. Our understanding of human rights is constantly evolving as we come to know more about the human condition. It is therefore incumbent on anthropologists to be involved in the debate on enlarging our understanding of human rights on the basis of anthropological knowledge and research.” (American Anthropological Association 1999).

While Goodale describes the relationship between anthropology and human rights from the perspective of the amount and kind of engagement, Jane Cowan, Marie-Bénédicte Dembour and Richard Wilson have approached the topic by looking at the key anthropological concept of culture and how its relation to human rights has varied over the past decades. According to the analysis of Cowan, Dembour and Wilson, the relation between culture and rights has been approached in four different ways in anthropological literature: culture against rights, culture and rights, rights as culture, rights as an analytic to culture. (Cowan 2006; Cowan *et al.* 2001).

The “rights against culture” describes an approach where universalism and cultural relativism are seen to contradict each other, in the context of human rights. In this approach, the anthropologist is invited to choose between the universalism and cultural relativism (Cowan *et al.* 2001: 4). This approach is reflected in the 1947 AAA Statement, where the possibility of a truly universal declaration was rejected with anthropological grounds.

The second approach, culture and rights, is a perspective where culture is defined as an object of rights, as a thing to be defended (Cowan *et al.* 2001: 8). The last two approaches that Cowan, Dembour and Wilson describe, present the anthropological approach to rights as culture, where rights and rights processes themselves have become an object of study, and a thing to research with anthropological methods. (*ibid.*: 11).

The perspective of rights as culture is a step towards studying rights as a process: “With one eye on the theoretical and the other eye on the empirical, we insisted on the need to explore how universal concepts were being taken up in local struggles: how they were mobilized, vernacularized, resisted, reinterpreted, and transformed.” (Cowan 2006: 9). Studying human rights as a process has been compared by many anthropologists to Bruno Latour’s research of the scientific action, of science as a process (Latour 1987). For instance, Jane Cowan and Julie Billaud compare Latour’s arguments on the scientific process with the Universal Periodic Review, as they describe how the OHCHR is appearing as an objective actor producing seemingly neutral summary documents of NGO submissions, while the internal processes of the OHCHR are hidden, and only inputs and outputs are visible. (2017: 120).

The analytical approach of looking at human rights as a process, as culture, is also fitting to this thesis. How do youth organizations engage with human rights in practice and why? How is the human rights discourse adopted by youth organizations and what shapes does it take when adapted in a new context? Borrowing from Cowan, how are human rights “mobilized, vernacularized, resisted, reinterpreted, and transformed” (2006: 9) in the case of European youth organizations, as they engage with the UN human rights machinery and the UPR in particular? These questions reflect the last two categories that Cowan, Dembour and Wilson describe in their book.

Looking at the phases and perspectives described by Goodale it is evident that my thesis is situated in the third phase where anthropology is reengaging with the topic of human rights. With the perspectives analyzed by Cowan, Dembour and Wilson, my thesis is focusing on what happens when European youth organizations engage with a human rights mechanism, namely the Universal Periodic Review. Thereby the analysis looks at human rights as culture, as my focus is on the various dynamics, causes and consequences around the engagement with the Universal Periodic Review as well as the human rights discourse.

2.3 Legal pluralism and legal centralism

Something to consider while approaching the topic of human rights, are the concepts of legal pluralism and legal centralism. Legal pluralism was a concept developed by researchers in the early 1920s in the study of colonialism. In the introduction of colonial law to new circumstances, scholars identified the existence of different legal orders simultaneously in place: the ones of the tribes that were studied, and the colonial law. (Merry 1988: 869). Legal pluralism, then, can be understood as the coexistence of several legal systems within the same context (ibid.: 870).

Within legal anthropology, Bronislaw Malinowski’s idea “that social norms in non-state societies perform the same regulatory functions as legal norms” became the leading approach (Wilson 2007: 346). Wilson makes an attempt to move beyond the duality of legal pluralism as well as legal centralism, by analyzing how they both are simultaneously in effect (Wilson 2007: 348). In the case of human rights, this means finding a way to

define and understand the relationships between “the socio-legal concepts that originate simultaneously in international, national, and local settings” (ibid.: 345). This was also a choice reflected on when choosing the research site. This thesis focuses on the “in-between” space that Wilson refers to (ibid.). The focus is on trying to understand what happens between local struggles and the global human rights machinery within the United Nations.

I will take a moment to elaborate on the concept of human rights. As Mark Goodale notes, “It is actually quite surprising how rarely studies of human rights take the time to explain how, in fact, ‘human rights’ is being used.” (2007a: 6). Human rights might initially seem “unambiguous and uncontroversial”, but in practice scholars have not come to a unanimous conclusion of what human rights are (Dembour 2010: 2). Marie-Bénédicte Dembour presents four different scholarly approaches of how academics perceive human rights, arguing “that ‘natural scholars’ conceive of human rights as given; ‘deliberative scholars’ as agreed upon; ‘protest scholars’ as fought for, and ‘discourse scholars’ as talked about.” (ibid.).

In this thesis, I will follow Wilson’s suggestion to make a distinction between human rights law, and human rights talk, “where the former refers to positivized rules in national or international law and the latter refers to how people speak about those norms, or aspire to expand or interpret them in new ways.” (Wilson 2007: 350). This distinction is similar to Goodale’s concepts of connotative and denotative powers of human rights, which he uses to build on Sally Merry’s concept of vernacularization of human rights. With denotative power he “refers to the way in which actors reference specific human rights laws and treaties” whereas connotative power means “the much more widespread phenomenon where actors gesture towards aspects of human rights talk with very little specificity, or actual content.” (Wilson 2007: 358). In my analysis, I will elaborate on how the connotative and denotative powers are at play in the context that I studied, and how they might facilitate in understanding what is happening, when youth organizations refer to youth rights. Unless specified, references to human rights in this thesis will be in the sense of human rights talk, instead of human rights law.

2.4 Vernacularization of human rights

As human rights norms travel across the world, they are vernacularized. Sally Merry and Peggy Levitt define vernacularization as “the extraction of norms and practices from the universal sphere of international organisations and their translation into ideas and practices that resonate with the values and ways of doing things in local contexts.” (2019: 148). The concept of vernacularization has been used by anthropologists in an attempt to further understand what is happening around human rights as they are adopted into new contexts.

The concept can also be seen as an attempt of reformulating legal pluralism: “The process of vernacularization converts universalistic human rights into local understandings of social justice. While considerable scholarship on human rights sees universalism and relativism as oppositional, vernacularization bridges this divide.” (Levitt & Merry 2016: 4). Instead of seeing the new instances of human rights language as cultural homogenization, the concept of vernacularization highlights how the global ideas are transformed in the process as they are adapted and translated into new contexts (ibid.: 34–35).

Vernacularization is described by Merry and Levitt as a process through which global human rights ideas are translated and reshaped into new situations: “In this way, vernacularisation is a situated process in which ideas and norms are constantly being reinterpreted and renegotiated in the context of particular social situations.” (2019: 146). The concept originates from linguistics, where it was initially used in order to explain the development of colloquial forms of languages (Wilson 2007: 357).

As global human rights ideas are vernacularized, their potential for impact depends on how different the global human rights norms are from local ideas. When there is a big difference between the two, human rights have a bigger potential of creating something new, but less likelihood of being accepted as such in the new context. The contrary also applies: “The more extensively a human rights issue is transformed to be concordant with existing cultural frameworks, the more readily it will be adopted but the less likely it is to challenge existing modes of thinking.” (Levitt & Merry 2016: 7).

As human rights ideas travel and transform from their places of origin to new contexts, they can even become “ideas and practices antithetical to human rights ideas themselves, yet legitimated by the aura of an international consensus on rights.” (Merry & Levitt 2019: 165). While not necessarily far from the global human rights ideas, the studied organizations in the case of this research did apply a strategic approach where the rights claims concerning young people gained legitimacy from the global human rights framework. The process of vernacularisation “demonstrates the active role of intermediaries in reinterpreting global ideas for local contexts and shows the extent to which norms may be transformed in the process.” (Merry & Levitt 2019: 147). Similarly, the informants in the case of this research are in the position of intermediaries, and I will look further into how their work contributes to the reinterpretation of global ideas into their new contexts, but also the opposite, of local ideas being brought to the global stage of human rights and contributing to the forming of global human rights ideas.

As human rights are vernacularized, there is also another, simultaneous phenomenon happening. Merry and Levitt define the concept of the resonance dilemma, which is a key part of vernacularization: “To be accepted, norms fare better when they are familiar, but to make change, they fare better when they are less familiar.” (Merry & Levitt 2019: 150). An example of the problem of resonance is their description of how disciplinary acts taking place within households were redefined as a crime. This redefinition of ways of maintaining order within the family as domestic violence required building new understandings of the role of the individual in regards to the family, as well as the role of the state in safeguarding the individual (ibid.). Changes in this regard do not happen quickly, and depend on how different the new ideas are from local concepts. To understand how the hegemony of human rights is maintained, it is therefore useful to look at whether there is resistance to the global norms in the studied context, and how the possible resistance takes shape as youth organizations engage with the Universal Periodic Review.

2.5 Scale-making in practice

As human rights claims are made, both the national legislation and the international human rights legislation are simultaneously in focus. Within the context of the youth

rights discourse, however, we are moving beyond the existing legal frameworks, as youth activists attempt to legalize moral claims that are not yet recognized within the national legislation or in the sphere of international human rights treaties and covenants. This, however, is done through the existing legal frameworks. Instead of attempting to model “the relationship between legal levels or systems” (Wilson 2007: 343) my focus will be in how the struggles in one context become simultaneously a debate across several spheres of law as they are defined as human rights claims.

When youth organizations engage with the UPR, they bring the struggles of young people into the sphere of an international human rights instrument. While doing so, they frame the referred challenges experienced by young people as human rights violations happening within the scale of the national level in order to take the issues to the human rights process of the UN Human Rights Council. In this thesis will analyse this process through analysing at the various scale-making practices that are present, as youth organizations engage with the UPR process. My focus will therefore be in “the pragmatics of scale” (Carr & Lempert 2016: 17) as discussed by Carr and Lempert in their book *Scale: Discourse and Dimensions of Social Life*. This means analysing “how forms of social life are differentiated using various metrics and metaphors, endowed with relative weight or dimension, and valued accordingly.” (ibid.: 17). In the case of the youth organizations and the UPR, scale-making entails a range of different processes, as the struggles faced by young people are framed as national human rights violations and reported to an international institution in order to achieve change to the initial struggle that was presented.

Instead of treating the scale as a given, I will track how the international and national levels are both created through language, as youth organizations phrase debates and issues in the language of human rights:

“— the scales that social actors rely upon to organize, interpret, orient, and act in their worlds are not given but made — and rather laboriously so. For to scale is not simply to assume or assert “bigness” or “smallness” by way of a ready-made calculus. Rather, — people use language to scale the world around them.” (Carr & Lempert 2016: 3).

Rather than assuming the different levels of the scale as pre-existing categories in the world, I will focus on the scale-making itself. This is also the approach taken by Carr and

Lempert in their book, as they focus on the process of scale-making, and “how things change and to what effect as they are rescaled by actors and institutions.” (2016: 20).

As the studied European umbrella organization engages with human rights mechanisms, “European” understandings of human rights are brought to the “national” level, combined with “local” struggles and again scaled “up” to the international institutions where human rights ideas are initially being formalized and formulated. Rather than assuming that the different categories would be stable and unchanging objects in the world, my focus is on how the various levels are created in the first place through the institutional process of the UPR.

3 Methodology and data

This chapter elaborates on the ethical as well as methodological considerations related to this study. I will also describe the various kinds of data that I have used in this research, as well as describe how the data has been analyzed.

3.1 Ethical considerations

While conducting my research, I have kept in mind the *Principles of Professional Responsibility*, as defined by the American Anthropological Association (2012). In this subchapter I will describe the ethical perspectives of my research, and how I have worked to ensure a high level of ethical standards throughout my work. To structure the section, I will elaborate on the ethical considerations of my research through the lens of the AAA principles.

The first AAA principle is to do no harm: “Anthropologists should not only avoid causing direct and immediate harm but also should weigh carefully the potential consequences and inadvertent impacts of their work.” (2012). As my research is conducted in an advocacy context that is constantly evolving, it has been necessary to reflect on the potential impact of my research findings to the ones involved as well as the potential effects on the topic itself and the perception about it. Discussions regarding the possible impact and meaning of my research have taken place during my fieldwork and the drafting process together with my informants, and further reflection on the possible impact has taken place during the drafting of this thesis.

The second AAA principle is to be open and honest regarding the work. All informants have been informed about the aims of my research, during the fieldwork. I have expressed the purpose of my study, methods, and outcomes of my research to the informants. During the research, no one has been interviewed against their will, and the informants have been willing to take part in the research.

Anonymity was something I had to pay attention to beyond simply using pseudonyms. In the context of my research field, not only names of people were used to refer to them. Very often they were also called simply by the name of the organization they represented. “I spoke with Allianssi” would thus be understood as referring to the person representing that organization at the time. With only one person representing the national level organization in the working structures, also country names were used as identifiers, similarly to the names of organizations. Therefore, I have also been careful with when and how I use the names of organizations as well as countries in this thesis, to avoid identification of the ones wishing to remain anonymous.

Some of my informants were willing to provide their own name if needed, whereas others preferred to remain anonymous. For this reason, I have used pseudonyms for all the informants wishing to remain anonymous, both in transcriptions and in this thesis itself, in order to protect their safety and privacy. Exposing their identities could potentially be harmful for their own professional relations with other stakeholders, or even put them in danger. When dealing with human rights advocacy, there is always a personal risk for the ones involved, and therefore anonymity has been particularly important to ensure the safety of everyone involved. This has also been clarified with my informants.

The third and fourth AAA principles are to “obtain informed consent and necessary permissions” and to “weigh competing ethical obligations due collaborators and affected parties” (2012). All my research participants have been aware of the research and its purposes and have given their consent to be part of it. It has also been widely known within the organizations involved that I am conducting research, beyond just the immediate informants. I have had discussions with different staff and board members on the potential impact of my research and gained permission to conduct research and write my thesis in this context. No funding was applied for in order to conduct the research, and therefore there were no obligations towards external sponsors to take into consideration.

The sixth AAA principle is to “protect and preserve your records” (2012). The raw data, field notes, recordings and transcriptions of all interviews are preserved by myself and can only be accessed by me. I have avoided the use of external USBs to avoid human error in possibly losing it and ending up in the wrong hands. The raw data has been

secured with an access through password only, to avoid external people to accidentally or intentionally having access to the data.

In line with the seventh AAA ethical principle to “maintain respectful and ethical professional relationships”, I have made sure to conduct my research in a professional and respectful manner towards everyone involved. During my research, in January 2019 I became a board member of one of the organizations with which I conducted my fieldwork. This entails a legal responsibility towards the organization, as well as an agreement with the organization on what matters are regarded confidential. This agreement has been respected, and considering my data, there are no points where this would have conflicted with what I can or cannot write about the organization. In line with the fifth AAA principle, the work will be made accessible to the organization as well as the involved informants.

3.2 The informants and the research field

I have conducted my research within the context the European Youth Forum. It is a European non-governmental youth organisation and platform of youth organisations in Europe. It claims to represent all young Europeans and strives to advance youth rights. As an umbrella organisation, the European Youth Forum has a membership consisting of approximately 100 youth organisations. My research was focused on a working group on youth rights, its meetings and work in supporting various member organizations in engaging with the UN Universal Periodic Review. Due to the nature of the organization as a platform or umbrella organization, my field can also be defined to be situated loosely within a network of youth organizations.

The field is geographically situated both in Brussels, Geneva and online. This is also where the work of the working group takes place, in addition to work in the respective countries of its members. The umbrella organization itself is based in Brussels, and this is where most of my participant observation took place. Some of the interviews were conducted in person, at the sidelines of meetings, whereas others were conducted through calls online. Online calls are a very ordinary practice and working method among the

members of the group, as most of them live in different countries and tend to work online when engaging with the network of organizations.

The informants have been active in the European Youth Forum, in one role or another: as a volunteer or staff member of the organization or attending its events as a representative of a Member Organization. Most of the informants are volunteers rather than paid staff, and their contributions are considered as voluntary activities within youth organizations, instead of perceiving it as a job. The volunteers had all gotten in contact with the European Youth Forum through their involvement in their own background organization.

The common denominator among the informants was involvement for several years in a youth organization at national or European level. All of them had been involved with youth organizations for several years, some since their childhood. For some of my informants, this engagement had led to a volunteering position in the European umbrella organization, whereas others of my informants held a position in a member organization of the European platform. In this thesis I will use the term “youth representative” as an emic term referring to the informants, as this was how they identified themselves. It refers to them as representing young people and youth organizations. Sometimes the term youth activist was used synonymously, although this could also be understood to refer to any young person who is advocating for a cause, whether a representative of a youth organization or not.

The members of the working group come from different countries and youth organizations from across Europe. Most of them are university students or have very recently graduated. A significant number of the members of the working group study or studied a degree in law, and there I found myself being in the minority.

The informants come from different European countries, and therefore cannot be assumed to share a common cultural background. As they are all from different linguistic and cultural backgrounds and from various geographical locations across Europe, a thick description is rather challenging, if not impossible. Riles also analyses this dilemma in her book and refers to it being “one of the problems with studying global phenomena ethnographically –.” (2000: 19). To Riles, this incompleteness is an essential part of her field:

The assumption is that the ethnographer is generalizing from a social complexity of a new order and in so doing is losing the very complexity that renders social phenomena real and therefore interesting. One might refer to this absence as another example of aesthetic *failure* that I take as endemic to the Network form. (ibid.).

While conducting research of a network, such as the working structure, my focus has been on the engagement with the human rights processes and the mechanisms encouraging and their work in supporting and motivating youth organizations across Europe to take part in the “public audit ritual” (Cowan 2015) of the UPR in the first place.

One thing to note, is that the Universal Periodic Review is merely one project or process that the youth organizations and my informants were engaged with. They were also engaged with various other activities both nationally as well as internationally.

My field has somewhat similar elements as that of Annelise Riles in her book *The Network Inside Out* (2000). Instead of using their names, my informants often simply used the names of each other’s organizations. The same seems to apply in Riles’ study. In her research, her informants “described themselves as ‘focal points’ and understood their interactions to be acts of ‘regional’ networking since they often served as ‘Pacific’ focal points in international networks.” (ibid.: 59). In my fieldwork, the informants seem to understand their interactions as acts of “international” or “European” relationships. This kind of scale-making seems to be an essential part of understanding the relations of different actors within the field, I will be further analyzed and described in chapter 5 of this thesis.

3.3 Data, methodology, and limitations

In order to understand the hegemony of human rights in practice, I decided to focus on what happens between the global UN human rights processes and local human rights struggles. According to Sally Engle Merry, “understanding the practice of human rights requires attention to the people who translate documents into social situations and situations into human rights violations.” (Merry 2007: 41). This was one of the main reasons that led me to choose a European organization as the site for my ethnographic research. Therefore, instead of a geographically clearly defined location, I chose to focus

on an organization that works for advancing the rights of young people in Europe, namely, the European Youth Forum.

Additionally, as a guide for narrowing the scope, I chose rather the human rights processes themselves. I focused on studying what happens in the European Youth Forum and its member organizations when it comes to their engagement with human rights processes. Focusing on human rights from a procedural point of view on the one hand, and an organizational approach on the other hand, made it possible to gain better clarity of what happens in-between UN mechanisms and local struggles. An organizational scope instead of a strictly geographical one also allowed me to study how the human rights discourse is maintained and advanced by an international NGO that has members across Europe.

For a more holistic view, it would have been interesting to trace back the processes to the local level and study what happens there, as well as look further into detail in the human rights machinery in Geneva to get insights of what happens on that side. This, however, was not possible due to the scope of only a master's thesis. This is where the work of other anthropologists can be of support in my analysis, as especially human rights procedures at the United Nations in Geneva have started to gain more attention within anthropology.

I collected the data between September 2018 and March 2019, within the context of the European Youth Forum. My primary data consists of notes from participant observation of the work of a working group that focuses on youth rights, as well as 11 semi-structured interviews. I interviewed people from both within and outside of the working group, from youth organizations that were engaged with the UPR process together with the working group. I have also analyzed various written sources, that were often referred to by my informants. Of these, my primary focus was on the written UPR submissions that were produced by the informants during their engagement with the human rights mechanism.

Furthermore, I have received copies of some speeches that have been delivered during the time of my research at various events on youth rights. As secondary data, I have studied advocacy papers that have been used by youth organizations in engaging with the mechanisms and in their advocacy work in Geneva, a policy paper and two publications on youth rights of the European Youth Forum, as well as resolutions and publications that

are often referred to by the actors involved. The latter consist of UN Human Rights Council resolutions on youth and human rights (2016, 2017, 2019), a study conducted by the OHCHR on youth and human rights (United Nations Human Rights Council 2018), as well as two revised volumes on legislation concerning young people's rights, namely *The International Law of Youth Rights* (Cardona et al. 2015) which were sent out to all the 100 member organizations as a gift.

Due to the choice of field, I have a limited understanding of the institutional side of the UPR, regarding the actors in Geneva. In this regard, my analysis therefore is focused on perceptions of the different actors that my informants engaged with or heard about during their involvement with the human rights mechanism. Conducting discourse analysis of how the different actors are described in interaction provided insights into scale-making, which I found to be an important part of making sense of the relations between the different institutional and governmental representatives involved with the UPR process as well as the action of making human rights claims of local struggles. This will be elaborated on in detail in chapter 5. It is important to note, however, that this analysis only reflects the perspective of the NGO representatives involved, and the perceptions of other actors involved with the UPR might be different.

Furthermore, concerning consultations at the national level across Europe, my information is mostly based on interviews. This refers to the part of member organizations conducting their consultations as they chose topics for their UPR submissions. I have personally been involved in the consultation of one of the organizations before starting the research for this thesis, and this has supported me in preparing the semi-structured interviews.

Ethnography in its participatory approach allows the researcher to learn “the way things work from the inside, the terminology, procedures, values, and relationships.” (Niezen & Sapignoli 2017: 7). In the case of this research, access to the field happened as a member of a working group of the European umbrella organization. Especially due to the familiarity of the field, as well as my role in it, one of the methodological challenges to remain aware of and to overcome has been to not fully become immersed in the studied field as well as finding ways to distance myself from the field.

I have collected data from two physical meetings of the working group on youth rights that lasted three days. I also took part in the work of the group between the meetings in person and collected data also from the online meetings that took place during the time I conducted my fieldwork. I was a member of the working group myself since 2015, nominated by a member organization of the umbrella organization. This way, I have seen the work of the group for some years, and have become familiar with both its work and the people involved. This has significantly helped me in gaining access to the field and to the meetings and work of the group, and in people being willing to help. Meanwhile, this brings to my very awareness the challenges of studying the familiar, of distancing myself as an anthropologist from the field to see it from different perspectives.

As a part of participant observation, I took detailed notes of an online and an in-person meeting of the working group in the autumn 2018. Here the discussions of the group are around planning the engagement with the UPR and upcoming Treaty Body reviews, finding ways to encourage members of the organization in getting involved with the processes, and looking at ways how the organization could or should continue its work with human rights in the long term. In the sidelines of a statutory meeting, I also followed an informal meeting during which a representative who had been on a lobby mission to Geneva for an advocacy mission provided support to another representative who was preparing to go for a similar trip. The Universal Periodic Reviews culminate in sessions where governments give recommendations to one another on how human rights situations in the respective countries should, according to them, be improved. I followed one of the sessions online together with a youth representative whose country was being reviewed, and who was paying attention to which of their recommendations were passed forward by governments, and what countries they were.

During the time of my fieldwork, I took part in a lobby mission to Geneva together with a representative of a Member Organization of the European Youth Forum. This happened at the sidelines of the pre-sessions of the UPR, where civil society representatives present their views to Permanent Missions, on the human rights situation of the state under review. Since I had not initially planned it as part of my research, and therefore had not requested for research permission, and most of it happening in confidential settings at Palais des Nations in Geneva, I decided to not include most of it in my data, for research ethical reasons. However, taking part in the lobby mission did provide me with a better

understanding of what the informants do, which was helpful when planning semi-structured interviews. I was also able to conduct some interviews in the sidelines of the trip.

In addition to participant observation, I conducted 12 semi-structured interviews. Some of the interviews have been conducted during events or after meetings, others have been done online, across the internet. To be noted, is that within the field I conducted my research in, online calls are a common practice, and nothing out of ordinary. Some of the meetings I took part in happened online, as the participants live in different countries across Europe. Therefore, conducting interviews online was not an unusual means of communication. Most of the interviews happened in English, one in Swedish and one in Finnish. English was the main working language used in the context of the studied organization. All excerpts from interviews have been translated to English in this thesis.

The timing of the interviews can have impacted what informants were sharing. Some of the interviews happened along the sidelines of the ordinary work of the group. Two of the interviews were with people who had recently left the organization. Considering my initial research question of how youth organizations engage with human rights mechanisms, I interviewed mostly people who are or have themselves been involved with human rights mechanisms directly or by supporting others' engagement. It is possible that members of the organizations who have not been personally involved with human rights mechanisms have a different view of human rights and would understand youth rights differently than the informants of this research. It did not seem to be the case with the two informants who themselves did not personally engage with the UPR but with other advocacy work of the organization, and they seemed to share the same understanding of human rights.

My focus was initially strictly limited to the UPR, but while conducting research, it quickly became evident that there is a lot happening around the human rights discourse in the context of my field. Not only did the informants discuss the Universal Periodic Review, but also how to advance youth rights in general, through and outside of the UN context. This led me to expand my initial focus, and analyse the youth rights discourse through the lense of Sally Merry's concept of vernacularization (see: Merry 2007).

The kinds of rights violations that are specified and referred to in the interviews as well as submissions include topics such as employment, education, housing, youth participation, lowering the voting age and the age of candidacy to run for public office. To gain an understanding of what kind of topics the European Youth Forum and its Member Organizations are trying to address through human rights mechanisms, I studied the kinds of documents that are produced by those organizations during the UPR the process, namely the UPR submissions. A main part of the engagement with human rights mechanisms is focused around the production of these documents by the NGOs involved.

Due to the wide geographical range and timing it was not possible for me to observe the part of the drafting of those documents that happened in the respective countries that were reviewed. In the interviews I tried to gain some information on how the topics were selected. The drafting processes were also commented on during the working group meetings that I participated in, and one of the main tasks of the working group was to support youth NGOs in various countries in the drafting of the documents.

To facilitate the coding of data from across the various sources, I have used ATLAS.ti. While it is important to note that Computer-Aided Qualitative Data Analysis Software do not conduct the work of the analyst in interpreting and analyzing data (see Friese 2014), it did prove to be useful in keeping track of and developing codes, as well as visualizing segments of data.

In analyzing the data, I have used discourse analysis, as guided by Arja Jokinen, Kirsi Juhila and Eero Suoninen in their book (2016). The focus has been to understand how the human rights discourse becomes realized and is created through words and interaction. Guiding questions in the analysis therefore have been to how human rights are spoken about both in interaction as well as in the UPR submissions. I also looked at how youth rights are spoken about and in what contexts they were referred to, instead of reference to specific challenges that young people are seen to have.

In analyzing the different ways my informants spoke about youth rights, I identified a few different premises that seemed to be repeated throughout the data and created through interaction by the informants, namely: youth rights are not a new set of rights and the rights of a group are in opposition to the rights of the entire generation. In the sixth chapter I will elaborate on these in a more detailed manner.

Furthermore, through discourse analysis I looked at how different actors are spoken about. This proved to be a fruitful path in understanding the scale-making practices, as the informants seem to situate themselves and others, as well as struggles of young people on both a geographical as well as a moral scale, when discussing youth rights and human rights processes. Findings on this will be elaborated on in the fifth chapter. Here I have also borrowed from Asif Agha's concepts of enregisterment and voicing as an analytical focus (2005).

In his article *Voice, Footing, Enregisterment* (2005), Agha builds on Mikhail Bakhtin's concept of voice, , and develops the concept of enregistered voices: "— a register's forms are social indexicals in that they index stereotypic social personae —, which can also be troped upon to yield hybrid personae of various kinds; thus every register has a social range, a range of figures performable through its use." (ibid.: 39). The concept of enregisterment will be further discussed in the next chapter, where I elaborate on my analysis of the production of UPR submissions.

In the next chapters I will present the various findings of my analysis of the data.

4 Human rights documents as bureaucracy

This chapter elaborates on how youth organizations engaged with the Universal Periodic Review during the time the research was conducted. In order to discuss how human rights are understood and thought about by youth activists, it is crucial to begin with an understanding of what is happening around the Universal Periodic Review from the perspective of the involved youth organizations. Having an overview of the process of engagement with the UPR is also required to understand how the mechanism itself impacts what can be expressed through it and how the bureaucratic practices of the review contribute to establishing and maintaining social realities.

Jane Cowan describes the UPR being in such an institutional phase, where people are asking whether it functions for the purposes it was created for. However, instead of looking at its efficiency in reviewing the human rights situation in states across the world, she herself approaches the process from the perspectives of what it is and what it does. (Cowan 2015: 42–43). This is seen as a prerequisite to understanding how well it is performing. Many of its effects extend far from the Palais des Nations in Geneva, where states are being reviewed. As an effect of the UPR, many monitoring mechanisms have been established within states in order to contribute to the reporting on human rights. (Cowan & Billaud 2017: 124). As we will see in this chapter, the UPR also has impacts on the organizations and people involved in the civil society, as they engage with the process.

In the following sections I will describe the production and circulation of documents conducted by youth organizations, namely, the UPR submissions. Julie Billaud writes about the UPR from the point of view of the “everyday bureaucratic work of a team of UN drafters in charge of preparing the documents for the twelfth session of the first UPR cycle.” (2015: 63) in her article *Keepers of the truth: producing ‘transparent’ documents for the Universal Periodic Review*. She describes how in the production of the OHCHR reports for the UPR, the aesthetics of the documents seems to be of preliminary importance ahead of contents of the documents in order to produce “acceptable modes of impartiality”. (ibid. 82). I will argue that something similar happens in the production of the NGO reports for the UPR, as youth organizations learn the ways how to address issues

through the UN process in appropriate manners and the language of the human rights process.

Practices around the production of UPR submissions, understood as bureaucratic documents or artifacts of the UPR, provoke a range of questions. How are the interests of the informants translated into the format required by the human rights mechanism? What is lost or changed in the process if anything? What topics can be addressed through NGO reports to the UPR and what was left out and for what reasons? How does the format impact what can be expressed through it? How are the conventions of an unfamiliar format and process learnt by the people involved? Finally, how is the new format adopted and adapted to the purposes of the organization? These are aspects that I will elaborate on in the following subchapters.

4.1 Non-politicization and the pedagogics of the UN language

The UN Office of the High Commissioner for Human Rights (OHCHR) describes the Universal Periodic Review as a process with the purpose of improving the human rights situation globally:

The UPR is designed to prompt, support, and expand the promotion and protection of human rights on the ground. To achieve this, the UPR involves assessing States' human rights records and addressing human rights violations wherever they occur. (OHCHR 2019).

The role of NGOs in the process is limited to producing UPR submissions. These are compiled by OHCHR to a summary report, which is one of the documents guiding the review. While only one part of the process, the NGO submissions can be seen as an important one in legitimizing the UPR through the independent nature of NGOs, as separate entities from the reviewed states. This can be seen through the indignation caused by states that have intervened in the production of NGO reports. For instance, Cuba “shamelessly orchestrated the submission of hundreds of NGO reports condemning the US embargo and praising the government, in order to diminish the impact of critical NGO reports.” (Cowan & Billaud 2015: 1180).

The production of NGO documents to the UPR requires a certain grasp of acceptable forms and practices for addressing issues through the process. An important aspect, then, is to focus on how the people involved learn those conventions and practices that are required in order to be heard through the process. None of my informants had personally engaged with the Universal Periodic Review before being approached by the European Youth Forum. Some had read about it in their studies or heard from other youth activists who had engaged with it before together with the European Youth Forum, whereas others had never heard of the process beforehand. The latter was also the situation in my own case, when I first entered the working group in 2015.

Besides being unacquainted with the UPR as a process before their engagement with the organization, the informants in many cases also had a limited experience of interacting with the United Nations in the first place. Gaining a deeper understanding of the UN processes as well as working with diplomats was one of the learnings that several informants found to be useful, besides the concrete impact that they said they could see resulting from their work.

Reaching out to member organizations and encouraging them to get involved with the UPR when their country was going to be reviewed was one of the main reasons why the European Youth Forum established the working group that is in focus in this research. This purpose was stated both by several of my informants as well as written in internal plans of the organization. As an umbrella organization, the membership of the European Youth Forum consists of organizations rather than individual persons. Support in human rights processes was one of the many areas of work that the organization conducted.

When there was interest from a member organization to engage with the UPR, the members of the working group would support the youth organizations through the process in whatever ways were deemed helpful. Both encouraging the organizations to get involved as well as supporting them were found quite challenging by the members of the working group. Encouraging organizations to get involved was reported to be difficult for several reasons. The process was not known by the member organizations, and it was difficult to prove what impact it would possibly have, and what kind of change it could lead to, which was understood as the main motivation for the organizations to possibly engage in the first place. Supporting organizations that were already interested was perceived as the more interesting task, as was stated by several members of the working

group during an evaluation. However, this part was very often conducted rather independently by the member organizations after the first initial discussions or meetings on what to do and where to find further information.

When explaining the process to representatives from other youth organizations, certain elements were usually covered. A standard email was sent out from the secretariat to all the member organizations that had a review coming up in the next year or two. This was followed up by members of the working group, who contacted people they knew from the organizations, and tried to convince them to get involved. Previous UPR submissions from other youth organizations that had already taken part in the process were shared with the ones only getting to know the process. It was highlighted how short the submissions really are and that they therefore would not require that much work. The website of the UPR Info was also shared, with encouragements to read their guide introducing the UPR process for civil society organizations (2017). UPR Info is a non-governmental organization based in Geneva, facilitating the participation of civil society with human rights reviews. The organizations were encouraged to search in the UPR database what recommendations have previously been submitted to their country or about the topics that they were interested in. Twice in the past few years, the organization also organized trainings on human rights mechanisms, with details on e.g. how to write good recommendations, and how the review process works in the first place. These were the various ways how representatives of youth organizations from across Europe were introduced to the UPR.

As we analyze the process of how youth organizations engage with the Universal Periodic Review, it is evident that the process itself requires a certain grasp of UN language. For the OHCHR the UN language means creating and maintaining a sense of objectivity, to uphold the “core UPR principles such as ‘transparency’, ‘non-politicisation’ and ‘neutrality’” (Billaud 2015: 65). For the NGOs this means learning and adapting a language that makes it possible for them to be heard in the UPR and the UN system in the first place, as well as addressing topics that can be heard in the context of the human rights mechanism. As stated earlier, none of the informants had been personally involved with the UPR before entering the organization or being contacted by someone in the working group.

While the youth representatives are aiming at addressing human rights violations of young people across Europe, they have to learn how to address them in the submissions requiring a specific format in order to be treated in the UN human rights machinery. The representatives receive support in how to write submissions and how to formulate good recommendations. They are guided in starting the process by looking into what recommendations have been previously suggested to the state under review as well as what topics have been made on their topics of interest by recommending states (RS) during the previous sessions and cycles of the UPR. While this is advice from members of the working group, it is also advice guided by UPR Info:

Strike a balance, when proposing recommendations, between recommendations the RS will incorporate and recommendations that adequately address issue to be resolved. If the RS addressed a similar issue in the previous circle, provide an update on the situation and follow-up recommendations. (UPR Info 2017: 53).

One of the main sources used by the youth representatives to inform themselves about the UPR process when drafting their submissions is the Civil Society Compendium produced by UPR Info (2017). While technical instructions for UPR submissions are also elaborated by OHCHR, the guide produced by UPR Info is widely shared among the youth representatives.

According to Shore and Wright, “policy makers often depend on making their unstable social products appear apolitical and self-evident – –.” (2011: 8). We can see this happening in practice when looking at how the UPR submissions are constructed, and how the youth representatives learn to draft them in the first place. The Civil Society Compendium, for instance, encourages to “Avoid language that is subjective or emotional” in the UPR submissions (UPR Info 2017: 57). It also provides instructions on how to format the submissions, e.g. by not to including pictures, adding key words on the main topics, as well as numbering the paragraphs. According to the guide there is also strength to be gained by “linking your submission to findings from other human rights mechanisms (treaty bodies, special procedures) to lend weight to your evidence.” (ibid.: 56–57). In this way, the informants are guided into approaching the human rights review process, with instructions on what to do and what to avoid. They are explicitly instructed to write in an objective manner, following seemingly technical advice on the aesthetics of the documents to submit. Drafting NGO reports is therefore a way of attempting to

legalize social conflicts. While doing so, this “turns political into technical, legal problems” (Wilson 2007: 351-352).

The NGO reports cover topics that can be considered highly political in their initial contexts. To name a few examples of issues that are raised by some of the organizations in their submissions, the youth representatives are advocating for lowering the voting age and the age to run for public office as well as banning unpaid internships. In the submissions these topics, that are highly debated in their national contexts, are translated into the language of the documents for reporting on shortcomings of how the states under review are ensuring human rights. While the topic of defining topics as human rights violations will be discussed more in detail in the sixth chapter, it is noteworthy how politically dividing issues become translated into issues of human rights and a language of accountability rather than politics. This is the power of the UPR:

The fiction of the non-political can also be seen in the rise of accountability as a basic criterion of institutional success. International organizations have a distinct capacity to divert highly political decisions into the supposedly neutral realms of measures and technical procedures. (Niezen & Sapignoli 2017: 14).

In addition to submitting reviews on the human rights situations in their respective countries, most of the youth organizations applied to speak at the UPR pre-sessions that are organized by UPR Info ahead of each review. I was also told youth organizations had not previously been present at the sessions before 2016 when the European umbrella organization started to get involved with their Members. Increasingly so, the youth representatives were also selected to speak at the sessions in a panel of NGOs, in front of an audience of diplomats and interns working at UN missions of different countries. This was also the time when the youth representatives tried to arrange as many meetings as possible with UN missions, to advocate for their recommendations. The meetings took place during the breaks of the pre-session, and outcomes were reported on, commenting on possible interest on the recommendations as well as noting down information on possible other topics of interest of the countries that were met with, for future reference for later submissions made by other organizations in Europe. An advocacy paper of one or two pages was prepared, to summarize the main points of their UPR submissions to the state representatives they met with. Some of the informants also arranged meetings in their own countries to meet country representatives at embassies.

While there was a support network and system in place, it is useful to elaborate on the unfamiliarity with the UN practices with an example. In my role as a member of the working group supporting youth organizations to engage with the UPR, I was asked by another representative how to appropriately start their presentation at the pre-session, and whether it would be suitable to start with “Honorable Chair”. As I had never taken part in the session myself, despite being in the role of supporting others with the process, I had to ask a friend who had worked as an intern at a UN mission who then stated that thanking Mister/Madame chair is enough when being given the floor. Other examples of questions were how to address UN missions when writing them an email and not having a name for any specific person to address, whether “Dear Mission of Costa Rica” would be appropriate. Furthermore, where to agree to meet representatives of the UN Missions and how to get into the Palais des Nations were questions that representatives had to find out before travelling to Geneva.

All these aspects can be understood as part of learning the UN language. This is defined by Cowan and Billaud as “the accepted ways of speaking in the UN context. It is distinct from the six official UN languages —.” (2015: 1189). Cowan and Billaud have written about the struggles in acquiring skills in the “UN language” from the perspective of diplomats entering the UN. The struggle is, however, not limited to diplomats alone. As we can see, also NGO representatives have to learn to express themselves in an appropriate manner suitable for the UN context, including aspects of whom to address, how and where to approach diplomats, and how to draft submissions and advocacy papers in a way that can be understood within the UN. This is crucial in order to be heard in the UPR process, both for the UPR submissions to be taken into account by OHCHR as well as for the recommendations to be taken up by a potential recommending state, and for the informants to be taken seriously in the UN context.

For the diplomats, the UN language “involved not only knowledge of specialized terminology and acronyms, but also of the specific etiquettes at play in intergovernmental dialogues, of ways of addressing an international audience, of diplomatic distinctions between verbs of action —.” (Cowan & Billaud 2015: 1182). For the NGOs, this meant both mastering the skills of crafting UPR submissions and recommendations, one-pagers to support their advocacy in Geneva, as well as understanding what to do and how to

address whom at the pre-session of the UPR, where they got to speak about the human rights situation in their country to the audience of diplomats.

The UN language can also be understood as Agha's notion of enregisterment (2005). Learning the UN language is learning the UN register. The working group supporting youth organizations in engaging with the UPR is on the one hand learning the UN register, on the other hand it is supporting others in gaining the required skills to phrase things in a way that are appropriate in a UN context.

One cannot become a doctor or a lawyer, for example, without acquiring the forms of speech appropriate to the practices of medicine or law or without an understanding of the values—both cognitive and interactional ones—linked to their use. In these cases, the process of language socialization typically involves a cohort whose members acquire competence in the use of profession-specific registers of a language through extended affiliation with an educational institution, such as a law school or medical school. (Agha 2005: 51).

The practices around the engagement of youth representatives with the UPR are in a similar sense a process of socialization to the UN register. The youth representatives are learning the appropriate language, practices, and forms of addressing the challenges of young people as human rights violations. According to Agha, “— registers are social formations in the sense that some language users but not others are socialized in their use and construal —.” (2005: 39–40). The informants are becoming socialized to the UN register, recognizing that there is a certain appropriate way of speaking, despite not always mastering the UN language.

4.2 Drafting documents for the UN

Within anthropology, “Documents have received little attention because they are the main mechanism and dominant emblem of the formal dimension of bureaucracy.” (Hull 2012: 252). The similarity of bureaucratic documents to the work of academics has also proved to be a key challenge. In more recent studies however, bureaucratic documents have been seen as playing an essential role in shaping both organizations as well as subjectivities and knowledge. (ibid.: 252–253). I will now turn the attention to the processes of drafting the UPR submissions, in order to provide a better insight into the engagement of youth

organizations with the UPR. A major part of the engagement with the human rights process is circling around the production of the UPR submissions that are then sent to the OHCHR. This is where the various issues relevant to young people are formed into human rights claims in a format that is acceptable by the UN system.

Between 2016 and 2018, the European Youth Forum supported the lodging of eight UPR submissions. Before that the organization was not involved with the UPR. There were between 2 and 3 submissions for the UPR each year by members of the umbrella organization. During the time of my research there was also a growing interest towards Treaty Body reviews, as the next human rights process to explore in order to advance youth rights.

Once a member organization had decided to engage with the UPR, they often established internal structures or identified a responsible volunteer or staff member to take the lead. Consultations with their own membership were often organized, involving young people from different youth organizations to contribute to the process. This is also where the topics of the submissions were selected. As this part happened across Europe, I could not be present in all steps of their drafting and therefore had to rely on descriptions from my informants regarding the process. Below is an exchange from an interview, discussing how the UPR topics were chosen.

Silja: Um, and why those topics...and not something else?

Sean: Those were also the topics that our members advocated for the most. We worked on the report through a consultation process, so those are the ones that came out. Plus they are currently eminent in the Maltese situation.

Silja: Were there other topics that your members raised that were not... that did not end up as recommendations?

Sean: Uum... migration, was an issue that was brought up. The legalisation of drugs, but it wasn't related to human rights, enough. And the rising... the cost of rent. So the right to a housing.

Silja: And why did you decide not to take these up?

Sean: The popular majority went for the three that we selected. Because there were more relatable recommendations that were made for Malta in the past. And there was more data on these topics.

While drafting the UPR submissions, the volunteers from the working structure at the European level were there to answer possible questions, and support in guiding with the format of the submissions, through comments to the draft documents. While evaluating their work in the working structure during their final meeting, informants pointed that it was hard to provide comments concerning the contents and situation described in the submissions, as they were not familiar with the national contexts across Europe. What they could comment on, however, was the format of the documents as well as form of the recommendations to make them more likely to be both useful and picked by the recommending countries. Often the volunteers also provided help with finding the previous recommendations made to the country or finding examples of recommendations that had previously been passed on a specific topic. Most of this work was, however, done by the national organizations, after receiving instructions on where to find further information.

As can be seen, the UPR builds on previous recommendations that have been made. When comparing new recommendations that are submitted by NGOs to the UPR, we can see a lot of borrowing from earlier recommendations from previous cycles. This seems to be the case both for the topics that are written about in the submissions, as well as the concrete recommendations that are made to intervene in the human rights situations described. The cases made are also built by starting the chapters with reference to or quotes of earlier recommendations. Therefore, we can assume that introducing entirely new topics to the UPR could be challenging. One of the informants commented on this fact in one of the interviews, and also stated that the topics they had chosen were based on what they thought were likely to be taken as recommendations, that is, similar recommendations that the countries had already made in the past on a certain topic.

NGOs are recommended to identify previous submissions that have been recommended to the State under Review, as well as previous recommendations on the topic of interest that have been recommended to any State, in the history of the UPR process. UPR Info maintains a database on all the recommendations that have been made throughout the different cycles of the Universal Periodic Review. The database was used by the informants also when preparing their submissions, already at the stage of selecting a topic.

The process itself along with the informants' perception of what human rights are also evidently guide the organizations in their choices of topics. It is clear that previous

recommendations that have been made are strongly guiding the choice of topics and draft recommendations when NGOs submit their reports on the national human rights situations in their respective countries. It is therefore important to note how the process guides what can be expressed through it.

Alongside preparing the NGO submissions, the youth organizations were often in contact with human rights NGOs within their countries, as well as with their ministries of foreign affairs. States prepare their own national reports for the UPR process, and they often organize sessions where civil society can express their feedback on what should be in those national reports. Out of the youth organizations that engaged with the UPR, few were invited to such sessions, and this apparently often required them to reach out to the ministry responsible. Some were thereafter invited to such sessions, whereas others were informed it had already taken place or would not be organized at all. This was commented on as a challenge of youth organizations not being recognized as human rights organizations, and young people not being recognized as a group who need specific attention in order to access their human rights. It was also brought as evidence in various panels, to point out how the current human rights mechanisms do not work for young people (see chapter 6).

The UPR session itself is streamed online. This is the moment when recommendations are given by other UN Member States to the State Under Review. Recordings of the sessions can be found online, and the online streaming of the sessions was often followed by the youth organizations that took part in the process. Representatives took notes of all the countries that made recommendations resembling even remotely the agenda they had advocated for. Also, if youth were mentioned in the context of other topics that had not been advocated for, this was also noted and welcomed.

Things that were found interesting for the representatives seem to have been the number of recommendations on each topic that had been advocated on. This was then commented on in chats with other members of the expert group, who either joined the happiness or disappointment depending on the number of recommendations that were passed on relevant topics. One of the representatives from a country that was being reviewed, even made a post on social media, thanking all the countries that had made recommendations on their topics of interest. Special attention was also later made to the fate of the recommendations on the topics of interest, whether they were noted or supported by the

state under review. It seems that the main focus of the engagement with the UPR is to ensure the passing of recommendations, and this is the ultimate measure of success for the NGOs involved.

The engagement is strongly focused on sending UPR submissions for the review and in advocating for their recommendations to be put forward by one of the recommending states. NGOs can send mid-term reviews on “the progress made in the implementation of recommendations.” (UPR Info 2017: 38). This, however, was not done by any of the NGOs involved, to my knowledge. Instead, the focus was merely on advocating for the recommendations to be put forward in the first place.

A notable aspect reflected in the work of the OHCHR and National Reports, is the decontextualization of the issues described. What is left out, is a range of historical effects, economic context, relations with neighboring countries, and so forth. (Cowan & Billaud 2017: 116–117). The same lack of context is also apparent as the countries are reviewed and receive comments from other countries. Cowan and Billaud refer to the case of a Lebanese diplomat, who criticized the process for having to navigate the UN language that seemed to exclude the contexts in which the states are. During their review, as they referred to bombings by Israel on the country, the Lebanese diplomats were “interrupted as a ‘point of order’ by the Israeli delegate, who reminded the president that the review was on Lebanon, not of Israel.” (2015: 1186).

When comparing the UPR submissions of the youth organizations, it becomes quite evident that there are strong similarities between the documents. Most of the introductory sections follow the same format. First it states how the country has made significant progress in advancing the human rights situation of the country. This is followed by the conjunction “However” or “in spite of”, and an elaboration on the areas where progress has not been sufficiently made. The introductory section also refers to the submitting organization, and the challenges in the human rights progress which are elaborated on in the introduction, unsurprisingly refer specifically to the topics that the submission itself is about.

Some of the submissions look very alike, to the extent that similar passages can be found, word by word. Below are quotes from two different submissions, to clarify the extent of borrowing between the documents:

Romania has made significant progress in human rights achievements situation since its last review – –.

Slovakia has made significant progress in Human Rights and National Minorities achievements since its last review – –.

Within UN language, there seems to be a usual pairing of utopian visions with apparent obstacles:

The usual expression of grand aspirations involves a combination of great ambition in the face of equally great obstacles, in a form something like ‘together we can achieve X’ (an unprecedented condition of human betterment), ‘if only we overcome A, B, C, etc.’ (a daunting list of impediments). (Niezen & Sapignoli 2017: 20).

In the example above as well as in the introductions, we can see that a similar pairing has been applied and adapted also by the NGOs writing the submissions. First, they recognize the progress that has been made to achieving the vision that they want to reach, where human rights are fulfilled. This is followed by listing the challenges that still remain in order to reach the vision.

The similarities in format and even at the level of sentence structures are striking, yet unsurprising. When organizations initially become interested in the UPR process, previous submissions from other organizations are shared to them as examples of what they need to produce in case they get involved. Earlier submissions are rather freely distributed as examples to new interested organizations whose reviews are coming up in their countries.

The similarities and differences in form and structure is also what brings more meaning into analyzing the UPR process at a European level and in a comparative way, instead of merely approaching the process from a local perspective. As can be seen, the network of organizations does have a strong impact in the format of the submissions, even to the level of borrowing sentences and structures from each other and getting involved with the UPR in the first place. It is a matter of applying similar techniques in structure, choices of words, and even solutions, to a range of different societal issues that vary in the different countries that are under review in the UPR. Therefore, not only the instructions provided by OHCHR and UPR Info have an impact on the UPR submissions, but also previous submissions, recommendations and support from other youth organizations influence the final format of the written documents.

Four out of eight submissions included a list of key words at the beginning of the submission. The 4 most recent ones do not include a list whereas most of the earlier submissions do. The key words are a description of the main topics that the submission is about. In one of the cases the list of key words was a description of several words, also hinting at the potential recommendations or solutions on those topics. In the other three cases the key words were approximately 2–7 words of a summary of the main topics that the submission would cover in further detail. Three out of four mentioned “youth rights” as one of the key words. Adding key words follows the guidelines from UPR Info on styling the submission. The booklet recommends to “Include an introductory executive summary capturing the main points described and/or indicate key words to help the OHCHR understand what the submission is about (e.g. right to education).” (UPR Info 2017: 57). It is noteworthy, that later submissions are not reflecting the detailed instructions regarding format, perhaps being less dependent on information from UPR Info, as there is more knowledge within the supporting organization.

All submissions start with a section called introduction, except for one, which goes straight into the topics it describes. All chapters began with a title, most often referring to a specific human right that the state was violating. Sometimes it was referring to the challenge that young people are facing, and once the title simply referred to the recommendation that was being made through the submission: “Public health services for transgender people”. Most submissions had three chapters, each focusing on a specific right or set of rights. One of the submissions had four chapters, and one had only two. Yet, the tendency was rather clear here. According to the Civil Society Compendium of UPR Info, “The most effective advocacy focuses on three to four issues, with five to six recommendations.” (2017: 53).

As is elaborated further in the sixth chapter, within the youth rights discourse there is an ongoing debate between whether to talk of rights of the entire generation or a specific minority group of youth. In the UPR submissions, however, when a specific group of youth are spoken about, the issues and challenges are the very similar for each group. Furthermore, also the solutions are very similar throughout the NGO submissions, regardless of the group whose rights violations are being addressed. It is worth noting that the saturation point regarding suggested actions or solutions was reached already after

analyzing a few of the submissions, and the rest of the analyzed documents provided very similar results.

A part of the explanation is the similarities in how the UPR submissions are constructed. The organizations involved in the process are encouraged to look at previous UPR submissions made by other organizations, as well as to refer to already made recommendations from the past, to gain more leverage for their claims. It is evident that the practices and informal circulation of documents and recommendations is contributing to both the form and contents of new NGO reports.

4.3 Documents as constitutive of social realities

Using the human rights discourse has complex, and sometimes contradictory consequences for those who use it for their claims (Cowan 2006: 9). It is necessary to reflect on what effects or consequences human rights claims have for the youth organizations advocating for youth rights. Are there any compromises they must make when engaging with human rights processes and why? Besides possible personal consequences, the UPR also has wider consequences in terms of defining social categories.

Within the United Nations, the topic and demographic group of youth has gained various levels of attention, in the different pillars of its work. At the UN, there is no common agreement for the term “youth”. In its various instances through the UN system it has been defined in differing ways, very often by defining it as a specific age group, with set age limits. The age range defining youth, when used, varies depending on the process or UN body in question, with the age range of 15 to 24 having been set for statistical purposes in one context, and for instance in the UN Human Settlements Programme the age range is from 15 to 32 years, and 18 to 29 years in the UN Security Council resolutions on youth, peace and security. (United Nations Human Rights Council 2018: 4–5).

It seems, that within the UPR, although not formally required by NGOs putting forward submissions, an age range tends to be set by the young people writing the documents, as a way to define the category of youth through a specific fixed age range. Interestingly,

the same informants writing the submissions and adding references to people of a certain age being understood as "youth", did not use such set definitions in interaction, and sometimes even argued against such age-based definitions. Moreover, the definition of youth constituted an area of discussion within the studied contexts, and was a topic that was on several occasions also raised by informants without any probing during interviews.

Wilson and Mitchell write about how rights and legal processes require clear definitions that do not necessarily reflect the complexity of identities or social realities. They describe how legal systems themselves might essentialize the social realities which they are dealing with. (2003: 4–5). Similarly, in the context of producing submissions for the UPR, the category of youth as a group can be seen as a rather complex one in its social realities, yet it is narrowed down to merely a specific category of a set age range when being referred to in the documents. While the UPR as a process can be seen as acting through soft power (Cowan & Billaud 2017: 109), and the format of UPR submissions themselves are less formalized than for instance national legislation, it still manages to call for defining the legal subjects being discussed through the process.

All the informants described and raised various challenges that young people face, and what kind of challenges they are trying to address through their advocacy on youth rights. In the various discussions, both directly and indirectly, they also described or implied what they perceive young people are, and who the "youth" are that they advocate for. There were differences among the various informants on how they described or defined youth. Some definitions were repeated by several of the informants, whereas simple references to youth gave a different insight into what each individual informant saw behind the term. One of the definitions that came up in interviews and speeches was the definition of youth as a transition phase between childhood and adulthood. Similarly, it was repeated that youth as a group is diverse, with age being the common denominator – without specifying what age. Furthermore, youth were described as a vulnerable group, whose human rights are not realized and that they should be perceived as rights-holders. Here is how one of the female informants, a former member of the working group and the board described young people as a group:

Young people... it is a phase between childhood and adulthood. The phase can have different lengths. It's a group that is quite defenseless and rather

vulnerable. A group that can't make it in today's society. – – Vulnerability... It's because of this in-between phase they have in life. It's hard to access certain rights.

When discussing youth rights and challenges regarding a specific legal mechanism or international instrument on youth, it was often raised that there is no agreement internationally on an age range that would define who youth are. It was also stated that for a legal instrument on youth rights this would be necessary if it was to be created one day, similarly as the convention of the Rights of the Child is limited to 18 years and below.

Bureaucratic documents are, among other things, constitutive of subjectivities and ideologies, as can be seen in the growing literature on anthropological studies of bureaucratic practices (Hull 2012: 251). Considering the clear difference in how the category of youth was described in interviews and various situations, as compared to how youth were defined in the UPR submissions, we can see something happening as the informants formulate their views into documents of the UPR. It is therefore worth having a closer look at the specific instances of when an age range is referred to in the UPR submissions written by the representatives of youth organizations.

Six out of eight submissions in my data state in the introduction what the legal age range is that defines youth in the State Under Review. One of the two remaining ones does not refer to a specific legal age range but does refer throughout the submission to a variety of statistics that have a specific age range that the submitters perceive as being young. The topics that are covered in the different submissions are justified in a quantitative manner, with percentages of how big a portion of young people between a certain age range are facing a specific challenge. This is the case for all the submissions, with authority derived through statistics or quantification.

Curiously, throughout the UPR submissions there is often reference to both children and youth, instead of focusing only on youth as a demographic group. In comparison, none of the informants referred to children when talking about the UPR, youth rights or the different aspects or topics that they were trying to address in their submissions. However, when turning those challenges into a UPR submission, the focus was in many cases also extended to cover the category of children, instead of referring only to what was understood as youth. Alternatively, it could be the contrary, of extending the topics from

earlier recommendations that have been made concerning children to also cover the group of youth.

The drafting of UPR submissions was often started by looking at previous recommendations in the UPR database. As there are few recommendations on youth, but many on children, this latter interpretation could be quite likely, where recommendations about children are extended to cover the topic of youth. The data, however, leaves this open for further research. What can be said, is that somewhere during the drafting process, children also appear to the table of discussions, in ways that are only reflected in the UPR submissions, but not in interviews or any other interactions during participant observation.

In summary, the drafting of UPR documents also seems to entail specifying in one way or another whose rights are being addressed and providing recommendations that touch a specific group. Categories used in both national legislation as well as statistics are referred to and enforced in the documents, when referring to youth as a group of people from a specific age range. In this way, we can see the youth representatives not only legitimizing such definitions, but also repeating such constructions in their documents. The submissions themselves can therefore be seen not merely as representations of categories and objects in the world, but as constituting those realities.

Bernd Frohmann describes the documentary ontology, meaning “the capacity of documentary practices to make things come into being.” (2008: 166). In the case of NGO reports in the UPR, the category of youth is being created as a seemingly universal category, through drawing power from formal definitions made in national legislation and statistics. While this renders the category of youth to merely an age range, it also establishes youth as a group of people whose human rights require specific attention. Thus, the documents bring into existence a category to focus on within the human rights system.

The documentary ontology on the side of NGO submissions is, however, limited. While creating or endorsing categories as things in the world in the sphere of NGOs, for the categories to be recognized, they have to be legally endorsed. The same applies for the contents of the human rights claims that are made in the documents. The documents themselves do not turn the described human rights violations into the legal recognition,

which is required in order to achieve change in the ways through which states are acting in regard to human rights. They operate merely on the “cultural” sphere, as understood by legal instrumentalists to be outside of the sphere of human rights law (Riles 2006). For human rights claims to gain legal recognition that grants them legitimacy, they have to enter much further into the legal system of national and international legislation.

5 Hegemony through scale-making

When you know that these questions are discussed at so high level, it helps at national level after the recommendations are done at the UN level. It helps that these recommendations, sooner or later are becoming part of some national action plan or national strategies. And this is another way of doing advocacy. Top to bottom level, which is very helpful.¹

When youth organizations engage with the UPR, they bring “national” struggles into the sphere of an international human rights instrument. Several things happen here. Firstly, informants are defining and identifying the struggle in the terms and language of a global moral framework of human rights, identifying the issues as human rights violations. By calling for support from an international mechanism, the struggle itself is being defined as a national one. Secondly, the state becomes defined and identified as responsible for the human rights violations and as a duty-bearer who is supposed to ensure that the human rights are realized. Thirdly, in the UPR process, the state then receives recommendations from an “international” audience of peers on how to improve the human rights situation in the country.

In this chapter I will describe the scale-making practices of the informants as they engage with the Universal Periodic Review. In the example at the beginning of this chapter, we can see how the informants are perceiving their actions as bringing challenges of young people to a forum at a “high level”, trying to have a “top-down” approach to solving those challenges. Advocating for the realization of young people’s rights is essentially a scale-making practice, where the struggles that are defined as local or national, are brought to international institutions in order to be recognized as human rights violations, and then scaled back to the national level as possible solutions or change in the human rights situation young people. Instead of taking the scale itself as an a priori categorization of different geographical or institutional distinctions, I will describe in this chapter how the scale itself is created through actions and interaction of the informants. I will explore how

¹ Interview with a member of the working group in March 2019.

the struggles are brought from the national level to the international, and how those distinctions come to exist in the first place.

This chapter will focus on the process of how those different scales are shaped and come into existence. I will describe the practice of scale-making in the context of my research, in particular, in how different scales emerge as the informants engage with the human rights mechanism and its various actors and make sense of the process. Following the approach defined by Carr and Lempert in their analysis of scale-making practices, I will pay close attention to “how event-boundaries and social relations are forged, figured, and sorted by actors through their discursive practice – –.” (Carr & Lempert 2016: 9).

The UPR is institutionalizing a certain way of scale-making, that is, it calls for NGOs from across the world to identify and report on “national” human rights violations, which are then brought to the discussions of a global human rights mechanism. To borrow from Carr and Lempert, the United Nations can be seen to have entered “the business of selectively stabilizing and naturalizing scalar perspectives into scalar logics: that is, explicit or implicit rules for seeing relations from a particular point of view.” (2016: 16). In this chapter we will see how this happens in practice.

5.1 The scaling of societal struggles as human rights claims

Engagement in the Universal Periodic Review requires making sense of an amount the different actors and their relations to one another. What becomes evident through discourse analysis of my data when focusing on how the different actors are described, is the emergence of different levels of a scale through interaction. Informants describe events happening on “the national level” as well as in the “international level”, and ascribe these levels to different actors involved in the process, in sometimes unexpected ways. Furthermore, degrees of alignment or resistance to human rights is grafted onto this scale of the national and international.

According to Carr and Lempert, scales help actors to “organize, interpret, orient and act in their worlds that are not given but made – and rather laboriously so.” (2016: 3). Instead of being just descriptions of different sizes or quantities of something, Carr and Lempert

understand scale as an active process, where the scales come into existence through language (*ibid.*). The same can be seen in the context of the studied field. The different levels that are described, seem to be essential to the informants in making sense of the human rights process as well as the relations between different actors. Understanding scale-making as an active process also brings light to the various shifts in positions that happen through the UPR process, as will be described in further detail in this chapter.

Instead of simply assuming the different levels of the scale, I have focused on how the informants talk about the different actors that they engage with. I have focused on how the informants themselves make sense of the different complex social relations while engaging with the Universal Periodic Review. Scale-making seems to be an essential part of understanding the relations between different actors within the Universal Periodic Review, as well as for the informants to situate themselves in the process.

In order to understand what is happening in the context of the Universal Periodic Review, it is therefore important to understand the scale itself as being created by the informants themselves, rather than just assuming it or determining it already before the analysis:

Beyond the task of deconstructing absolute and a priori scales lies the task of exploring how and why scales are made—by analysts or by actors or by analysts-as-actors; how the logic of scale-making works; and how some scale-making and scale-climbing efforts are privileged. (Irvine 2016: 2016).

The informants situated themselves as well as other actors on the national/international scale depending on the context and their role in the process. What becomes evident in the examples, is that while the scale itself is taken for granted and not questioned, the different actors shift their perspective or positioning on the scale rather easily. We can also see how the moral values of the human rights discourse are portrayed on the scale itself, and how the values assumed to each actor shift through scale-making.

One of the main reasons for engaging with the Universal Periodic Review, as described by the informants, was to improve the human rights situation of young people. Through the UPR, they tried to advocate for legal changes in national legislation, by reporting human rights violations and suggesting recommendations through the UN process. The UPR is seemingly targeting and encouraging change in the sphere of the “national level”, through the review processes happening in the “international”. What can be seen throughout the data, is the contrasting of the national level with the international. Below

is a partly already familiar excerpt from an interview with a member of the working group, to provide a better understanding of scale-making in practice:

When you know that these questions are discussed at so high level, it helps at national level after the recommendations are done at the UN level. It helps that these recommendations, sooner or later are becoming part of some national action plan or national strategies. And this is another way of doing advocacy. Top to bottom level, which is very helpful. Also just to understand the concept of human rights and youth rights when involved with a UN mechanism. You look at rights from a generalistic perspective. You always have a national perspective and specific rights. In UN level you just see this rationale as a big picture.

In the excerpt above we can see the emergence of both the national as well as the international/UN level. The UN becomes the “high level” with a “generalistic perspective”, as opposed to the “national perspective and specific rights”. The informant himself seems to see himself as working usually with the national perspective, but the UPR allows him to look at things from another point of view and see the “big picture”. The change process is seen as proceeding from “top to bottom level”, thus creating a hierarchy between the different levels of the scale. The recommendations given at the “top” are seen to eventually trickle down to the “bottom level” by “becoming part of some national action plan or national strategies”, through which change regarding the challenges is believed to happen.

The example showcases how there is a perceived hierarchy between the different levels. The international becomes the one on top and is expected to influence the level below. In bringing national struggles to the international level, the actors are also bringing the struggle to a more “general” perspective – that of human rights. As Carr and Lempert highlight, “tropes like scalar ‘leaps’ or ‘jumps,’ or the often-used idea of scaling ‘up’ or ‘down’ do not mean any one thing across cases and should not be treated as stable analytic terms.” (2016: 7). In this case, we can see that they serve to establish both the hierarchy, as well as produce the levels of national and international. This is where the scale emerges.

The scalar logic at play in its own way also explains how the informants assume the Universal Periodic Review to function. There is something “beyond” the nation that has power to influence it, and therefore it makes sense to try to influence the international level process. It is a conscious choice to try to do advocacy towards the national decision-

makers in this way, through an international entity. It is an attempt of impacting national legislation through the sphere of the soft law of international human rights.

Below is an example of how the scalar logic at play, where the national level processes are not sufficient to address issues:

Silja: On a national level, what sort of ways do you have for advocacy, for those same issues? And have you done on those same topics...uhm

Sean: Yes, but in reality on national level, there's always a political bias in a way on a national level. Especially in a country like Malta.

Silja: Why?

Sean: You see from the constitution, it's the nature of the country. You could see it from the other NGOs that were speaking as well, they were talking something simple, the freedom of speech

Silja: Yeah

Sean: Making it (*noise*) these allows you to speak about these topics directly to a supranational entity that can help in the situation."

The Universal Periodic Review is perceived as a way to address issues on a level that is beyond the national level. Similar examples can be seen throughout the data, where informants pointed in various ways at the lack of willingness of national governments to produce the legal changes required by the UPR recommendations that the informants were hoping for. Briefly, while the national struggles are brought to the international institution in order to gain legitimacy for the cause, change is still perceived to be ultimately up to "the national level", and that is also where change and human rights are perceived to be resisted by decision-makers. Here is how a member of the working group describes the UPR:

[The UPR] is a good complement. It wouldn't solve all the issues. It's still a factor of willingness at national level. You still need to use national instruments. It just gives you a backup or a bit more strength or a legal perspective. It wouldn't substitute national mechanisms. They're just complementary.

The resistance of the national level and states to human rights is brought to the point where the international audience, despite being hierarchically described as being on "top", does not have power over the national level. The "supranational entity" cannot dictate what happens at "national level" and "solve all the issues". Yet, the "international"

is described as giving “a backup or a bit more strength”, as well as giving “a legal perspective”.

In line with Carr’s and Lempert’s understanding of the scale as “relationally built and therefore precarious” (2016: 18), we can see that the scale of the different levels is relational. In order to understand how the scale is made, we cannot only look at one part of it, but have to look at the different elements of the scale, in this case the national as well as the international. We can understand the relationality in the sense of a Peircean sign (Peirce 1998 [1894]), in constant motion, where positioning of the actors on different levels is constantly reinterpreted in the emerging contexts. the different actors can easily shift their position from one level to another, as they take new roles in different stages of the Universal Periodic Review, when shifting from being reviewed to a position of giving recommendations to other states.

5.2 Emergence of a moral binary through scale-making practices

The UN system, not unlike other international organizations, is complex in its relation to states. While the UN is attempting to end poverty and improve wellbeing in states across the world and “correct the wrongs of states”, those very same states are also the ones with decision-making power within the UN. (Niezen & Sapignoli 2017: 1; see also Weiss and Daws 2008). In the case of my field, when informants contrast the international and the national, we can see that the two are ascribed with very different characteristics. The international is perceived as the locus of human rights, whereas the national level is the one that resists human rights. The national level institutions and decision-makers are described as resisting the change that the youth activists would want to see, and further, resisting or even opposing human rights.

Interestingly, states are the actors that ultimately have the decision-making power also in the UPR. In some sense, the boundaries between the states and the global organizations are very clear-cut, and yet fluid. This describes the very nature of the UN as a global organization: “The sense in which these organizations are global, however, is particularly complicated. In some respects, they are not global at all. State interests are often a deciding, and limiting, factor in what they are able to do.” (Niezen & Sapignoli 2017: 2).

Understanding the relations between different actors in the UPR therefore also requires studying scale-making, as the UPR as a process of the UN Human Rights Council emerges and operates in “intersections of the ‘local,’ the ‘national,’ and the ‘global,’ in which globality emerges as the central point of reference (although as much in the realm of ideals as in reality).” (Niezen & Sapignoli 2017: 2).

To enlighten how this happens in practice, I will provide a few examples from the data for clarification. The examples will point out to how the informants interpret the fate of recommendations that have been noted or supported by the State under Review, and in particular, how they “cite, reanimate, and repurpose text and talk that they understand to be located ‘elsewhere’ in time and space, thereby troubling our very sense of where they stand.” (Carr & Lempert 2016: 6). In referring to the actions of states, the youth representatives add a moral positioning to the different actors involved.

The following example is from the beginning of an expert group meeting, where the participants are providing updates on what has happened since their previous meeting a few months earlier. The round of updates is conducted with the use M&M candies, by providing an update with the topic determined by the color of the candy that is taken from a bag of M&Ms. In this example the update is provided by the facilitator on behalf of a person who could not attend the meeting. The facilitator lists recommendations given by other countries to Germany during the UPR process, and states whether Germany supported or noted the recommendations:

Lisa²: I wish to input for Vera as well. So blue. A Youth Forum update. I can do that. Um. She wrote that they got an answer to Germany’s UPR recommendations. And they are online, apparently, made on the 8 of May, they’re online. And then she wrote like, all the different ones, I can read them, but it might take a while... Um... promote youth participation in political processes by activities working with youth organizations as partners. Is supported.

Pete: Ooh!

Lisa: And she wrote between brackets Portugal. Continue to promote youth participation in political processes, by working with youth organizations, including them as a partner in the processes

Pete: You just read that

Lisa: Yeah. Greece, supported. Um... Something from Moldova, continue to... the same. Also supporting Moldova... And then, lower the voting age

² Pseudonyms throughout the example, except for my own name.

to age of 16 in all voting processes to ensure political participation of young people, Austria. Noted.

Eve: But that already happened, no? Did they change it?

Pete: Not in Germany, right?

Silja: Not in Germany.

John: So Austria suggested to Germany to...

Eve: Yeah, yeah, yeah, sure. But I thought that...

Pete: ...And Germany noted no thanks. (laughter)

Lisa: There is apparently no political majority in favor of lowering the age. I also can forward it to you

Daniel: Yes, please. I'll put it in the.... [online folder].

Pete: Austria is just trolling. (laughter)

Here, the actions of the states are turned into jokes. One person seems to think Germany already had lowered their voting age to 16 in all elections. In Austria this is already the case in the national legislation. No one here seems to be surprised that Austria is making a recommendation on the topic within the human rights context. The joke at the end seems to be around the fact that Austria is assumed to know that Germany would not support the recommendation and lower the voting age but puts it forward as a recommendation anyway. The state under review is in the light of not being in favor of the changes that the informants would like to see – in this case, the lowering of the voting age.

The names of states here are used as metonymies, referring to the vast institutional decision-making machinery and people behind the decisions and recommendations: the UN missions, ministries of foreign affairs, governments, parliaments and so on. The use of metonymies simplifies the social complexities of the decision-making machineries of states, and while doing so, also creates the states as characters. The countries referred to are described as agents with intentions of their own, even becoming the characters of jokes: “Austria is just trolling.” It is worth noting, that in the UN context, the State under Review is referred to simply by their name, and this is therefore not an unexpected thing to be seen from the side of the informants either. What is interesting, however, is how the countries become character-like entities when spoken about and joked about.

While in other situations informants referred to specific political parties being in the government as the main reason why recommendations were noted instead of supported, the use of metonymies conceals the persons behind the actions. This contributes to the

non-politicization of the Universal Periodic Review, which is one of the characteristics of its bureaucratic machinery. Julie Billaud has studied this from the perspective of the OHCHR as they prepare a compilation of the NGO reports: “the imperative of ‘non-politicisation’ forces [the drafters] to use a technical language that presents information in a specific way.” (2015: 83). We can see that something similar happens here, in the use of metonymies as the actors are hidden. Simultaneously, states become the main characters with agency. Let us now return to the situation presented above, and follow how it evolves further:

Lisa³: Um... Again, Moldova. Continue to implement policies designed to protect the rights of young people and ensure access to welfare for them and for children without exceptions. Supported.

Pete: Ah, nice!

Lisa: The Maldives. Continue to strengthen measures to facilitate access to education by young people with migrant backgrounds to reduce socio-economic disparities. Supported.

Pete: Aha.

Lisa: A lot of things supported! Um...

John: But they're quite general.

Silja: Yeah...

John: It's like, “yeah, yeah, of course we want to do it, we want...⁴”

Silja: Yeah, “we're doing this”

John: “...that's what we want to do”.

Here we can see critique towards both the recommendations for being too general, as well as toward the state under review. This paints a picture where the participants do not seem to believe anything will change as a result, despite Germany having supported, apparently surprisingly many of the recommendations that were listed. This is done through a trope of voicing (see Agha 2005: 50), through which the participants pretend to personify Germany and refer to the country with the pronoun ‘we’, stating how the state can easily support the recommendations, as they are already supposedly acting in line with its contents. The state is presented as an entity with intentions and wills. Yet, the presented ambitions appear not as ambitious as the participants would hope, as is criticized through

³ Pseudonyms throughout the example, except for my own name.

⁴ Quotation marks added to emphasize the trope of voicing

parodic voicing of the country. The characters mimicked do not appear to want the change that the informants here would like to see.

Despite so many recommendations being supported by Germany, there is evident distrust from the side of the informants that this would lead to change in the country in question. Decision-making in the UN, and also within the UN Human Rights Council is primarily dominated by states (see Weiss & Daws 2008). This is also the limit of the UPR as a process. The possible outcomes of the review mechanism depend on the recommending states as well as the one being reviewed.

Through the use of metonymies and reference to countries through jokes and characterizations, instead of simply being neutral references to the states, a moral scale emerges. The national level and states become described as opposing human rights, whereas the international audience is in a higher moral stance, pointing out how the state of Germany should improve the human rights situation in the country. The recommendations are not questioned, whereas Germany's responses to them are approached with caution.

As the UPR focuses on reviewing one country at a time, "the terms in which 'accountability' was framed in the UPR also left no space for explaining the broader historical and geopolitical context in which the human rights violations occurred and were addressed." (Cowan & Billaud 2015: 1186). Cowan and Billaud, in their research on the UPR, encountered a Lebanese diplomat describing how the process bypasses extraterritorial issues and treats countries without any contextualization, "as if countries were gated territories" (ibid.). In this way, the UPR seems to simplify or even limit the observed human rights challenges that are experienced in various parts of the world, to problems that happen in geographically limited areas within the borders of the state. The human rights culprits therefore are limited to the state under review, without regard to historical or political reasons or challenges beyond their borders. This solidifies the perception of the state under review as the culprit resisting human rights, and also being solely responsible for the rights violations that are reported to take place within its borders.

The UPR operates in the area of diplomacy instead of legally binding commitments: "Like the UN system generally, the UPR relies on 'interactive dialogue' and helpful

‘recommendations’, rather than sanctions, to ‘promote and protect’ human rights.” (Cowan & Billaud 2015: 1178). In trying to advocate for the realization of the rights of young people through the UPR, the main focus of the youth representatives was to advocate for strong recommendations, through which they hoped to achieve change on “national level”. Not only was the challenge whether or not the states under review would truly implement the recommendations they supported, the importance was also for the recommendations to be supported, and put forward in the first place.

In the discussions around recommendations, we can quite clearly see the emergence of states as resisting human rights. Furthermore, the aspect of shame seems essential as the factor pushing the states to act on human rights which they are perceived to resist. Two things can be noted in the data concerning the recommendations: firstly, change is not believed to happen if the recommendations are too vague, and secondly, the country is described as hesitant towards the suggested change but having an international reputation to uphold. This is where the hope for change seems to be derived from: the duality of shame and international reputation. While the state under review is described as having intentions of its own, this aspect also brings hope, noting that it would have to consider its own reputation. It brings space for hope that something could change at a national level, because of an international intervention in the form of the UPR process. Niezen and Sapignoli refer to this as the politics of shame (2017: 17), which seems particularly present also in the UPR.

An important thing to note is how the UPR recommendations are used also outside of the United Nations context. Below is an excerpt from a speech that was given in the context of a panel at an EU event in 2018:

Let me take you one year back in time, to September 2017.

This is when Finland gave a response at the UN, on recommendations that other countries made, for Finland to improve on its human rights situation.

I’ll read some of the recommendations to you:

N - 100.48 Eliminate sterilization as a necessary criterion for the recognition of the gender of transgender persons (Portugal);

N - 100.73 Take an effective stand against hate speech and aggressive attitudes that are becoming increasingly mainstream (Islamic Republic of Iran)

These are recommendations that other states made to Finland during the UN Universal Periodic Review. These are examples of recommendations that

youth organizations have been advocating for, on human rights issues concerning young people.

Finland did not support any of these recommendations.

In the last statement we can see a glimpse of the discourse of national governments resisting change. In the case above, the recommendations are used rhetorically as evidence of seemingly evident human rights violations in the country. With the last phrase, Finland is painted as being opposed to human rights. Once more we can see how states are perceived to resist human rights.

In another interview, human rights are opposed with policies. Human rights are described as belonging to the sphere of the United Nations, whereas policies are associated with the national level. Policies are “up to the national level”, whereas human rights are not. Furthermore, focusing on policies instead of rights is described as a mistake in the UN context “when there they speak about rights and not policies per se – –.”

Another example of the discourse of national governments resisting change can be seen in one of the interviews that was conducted at the airport in Geneva. The exchange happens between me and an informant after an advocacy mission to the UN during a pre-session of the UPR.

Silja: Why did you decide to use the UPR process?

Sean: Um, because it is a platform that allows us to speak about human rights and issues affecting youth, while passing through national channels might sometimes deafen our voices.

Silja: What kind of...

Sean: It's an empowering tool.

The choices of words here are particularly interesting. Firstly, the UPR is described as a tool. Linked with what was previously said about passing through national channels deafening their voices, it can be understood as a tool to overcome this. This is in line with the discourse on states resisting change. The UPR is perceived as a method, a tool, to challenge that. Furthermore, it is an empowering tool, giving power to those who might otherwise be “deafened”, that is, people who are not in power on national level. The UPR would probably not be described as an empowering tool for government stakeholders in this context.

The first phrase in the example is equally dense in metaphors. The UPR is a tool that allows the youth activists to speak, and a tool to challenge those national institutions that would deafen their voices. It is a platform: something to step on. Speaking could be in this case understood as a metonymy for advocating, raising issues and attempting to create change.

Deafening is an active action, with some purposefulness implied. Instead of describing the national institutional machinery or decision-making processes as passive or neutral, they get an active role of preventing the youth activists from achieving their goal. As was also noted in the earlier example, national governments are implied to resist change, and it seems to apply also here. Through interaction, the resistance becomes described as an active endeavor.

Similar examples were encountered on several occasions. What is noteworthy here, is how the national level decision-making is seen to prevent the youth activists from advocating for their cause, while a scalar “jump” to the United Nations allows the informant to address the issues within the national level, through the international institution.

In his article *Between Wall Street and Zuccotti: Occupy and the Scale of Politics* Zoltán Glück writes about the scale-making in the context of the Occupy Movement (2013). In the context of the Occupy Movement, Glück reports how the scalar binaries that are crafted in his field are accompanied with a moral binary:

The message was clear: whereas Wall Street represented the undemocratic and nontransparent rule of global finance, our vision of the world was one of mutual responsibility, respect, and community accountability. Whereas Wall Street silences the majority, at Liberty Plaza (as “facilitators” would often say) ‘we amplify each other’s voices.’ Such are the moral binaries that are grafted onto scalar binaries. (ibid.).

In the context of human rights, we can see a similar “grafting” of moral values onto the scale of various spheres within the UPR process and the human rights system. While the national level is continuously opposed with that of the international or global, we can also see a clear moral scale appearing, in terms of degrees of alignment or resistance to human rights. In line with Carr and Lempert’s understanding of the scale, “it allows those who use it to make determinations about the relative value of two or more things, which need

not be readily quantifiable, and which are, in fact, only quantifiable by the act of scaling.” (2016: 17). The emergence of the moral scale of human rights becomes apparent in the case of the state under review, but is not applied to the international sphere. In this way the scale is inherently comparative by its nature, as the existence and positioning on the moral scale depends on the role that states take in the process. Furthermore, these are the taken-for-granted levels of the scale, where there does not seem to be negotiation of what the different levels themselves are. Shifts between the levels happen, but the scale itself seems to have become self-evident, something that is not questioned or up for debate.

5.3 The relationality of the scale

The UPR is structured with a focus on states as the ones primarily “responsible for promoting and protecting human rights –.” (Cowan & Billaud 2015: 1188). The human rights situation is then evaluated by the other states taking part in the process, in a manner which puts all the countries in a seemingly equal position towards one another and the human rights process. This creates human rights violations as phenomena happening within the rigid borders of states, in ways that are not always unproblematic:

Yet the procedures that guarantee equal treatment also treat the state as an isolated entity. This is consistent with the international human rights system’s focus on the state as the primary duty bearer – arguably intensified by the holistic character of the UPR and the one-state-at-a time and geographically random nature of the review schedule – which obscures the state’s location in history and within the contemporary global system. Each state’s relations with other states, in the past and the present, are bracketed and placed outside the frame. (ibid.: 1179).

While the discourse of states resisting human rights applies for the state under review, that is, the country which is being under scrutiny for its human rights situation, states also have other roles in the process. The same state, when not under review but instead reviewing others, becomes part of the international machinery of the human rights process as a “recommending state” (UPR Info: 2017: 9).

When reviewing other states, countries become part of the international audience that evaluates the human rights situation of one country at a time, stepping into the sphere of human rights and speaking with the legitimacy of the review process. Both the embassies

of countries as well as their permanent missions to the UN in Geneva are targeted by youth activists as a channel through which to pass their recommendations in the UPR. As other states are the ones to formally address the human rights situation of the state under review, they also become the ones to convince in suggesting specific recommendations. Therefore, the engagement of NGOs in the UPR process does not limit to sending in an NGO report to the OHCHR, but often also includes advocacy towards other countries in order to get the suggested recommendations forward.

What is crucial to note in the data, is the difference between how the state under review is described, in comparison to other states. While the national level is presented as resisting human rights in the case of the state under review, this is very often not the case when it comes to the other countries and how they are spoken about. Therefore, the discourse of the national level resisting change does not apply similarly to all states, as not all states are simultaneously seen as acting “on the national level”. In their role as states giving recommendations, they are acting in the sphere of “the international”, which is perceived as the sphere of human rights. This is where it becomes quite evident that the scale of the national and international is not a given or objective truth but created through interaction and through the different roles and shifts in perspectives.

An important remark here is, that not all the recommending states are permanently described as acting in the international sphere. While the state under review is constantly being described as resisting human rights, the other states involved shift their position more easily between the spheres of the international and the national. This was strongly linked with how they approached recommendations that were suggested by the youth representatives. I will clarify this with an example below.

One of the informants raised the challenge of other topics being more pressing to address by states than youth related topics, stating that youth is not on the agenda of the states, and therefore it was challenging to bring in youth specific topics. Informants also saw the Universal Periodic Review as strongly influenced by the states’ own priorities and reputation. Here is how one of the youth representatives of a national youth organization described his views on recommendations: “First of all, most states try to recommend what they’re doing well on. So if all states aren’t doing well with regards to youth rights, their recommendations aren’t going to be very groundbreaking.”

NGOs are encouraged to target recommending states that have previously worked on topics similar to the interests of the organization. The view of recommending states depends on how they situate themselves regarding the suggested changes and recommendations. In the case above, the hopes on the outcome depends on how well those are aligned with “youth rights”. Here the national level situation of the recommending state is recalled, and the country is compared with and put in opposition with human rights, and therefore not being an agent towards change even in the case of other countries. On the other hand, in the case of countries that have favorable legislation in place for young people, those are perceived as allies, that can be of support in achieving human rights and legal change in the state under review.

The perception of other states seems more prone to fluctuations, compared to the discourse on the state under review, which is only spoken about from the perspective of resisting human rights and not wanting change. This seems to depend on how they situate themselves with the suggested recommendations from the youth organizations, but also can change in case they end up recommending or not recommending on the topic at the UPR session itself.

Here is how a member of a national youth organization described his experience of advocating towards UN missions:

Silja: Any other things that you learnt in the process?

Mark⁵: Never speak to Egypt.

Silja: (laughter) Why? (laughter)

Mark: Togo is the best state around, and...

Silja: (laughter) Yeah they were very straight-forward.

In the example above, the UN mission of Togo had been very interested in the suggested recommendations, whereas the UN mission of Egypt had debated against the concept of youth rights and did not seem interested in the recommendations. A suggestion that came up during the meeting of the working group was to make a list of “youth-friendly UN missions” based whether they have previously made recommendations relevant for youth. This puts those states in a category of allies, whereas the others are either indifferent to the suggested changes, or against them.

⁵ Pseudonym.

Miia Halme-Tuomisaari notes in her research on treaty body proceedings that the boundaries between the different agents in the proceedings are far from being clear-cut, as government representatives often also have professional experience from positions in other roles in the process:

Thus, the real opposition of ‘bad’ state officials who belittle international human rights obligations and ‘good’ human rights defenders cannot be neatly connected on the borders drawn on the divisions of ‘state,’ ‘NGO’ and ‘INGO.’ Rather, the empirical professional and social space is much more nuanced and shared. (Halme-Tuomisaari 2017: 143).

While I do not have sufficient data of the civil servants involved in the UPR, a similar fluidity of roles can be seen also in the case of my research. Government representatives took part as trainers in advising youth representatives on how to conduct their advocacy most efficiently towards states and their UN missions in Geneva. Similarly, some of the youth representatives in the network of European youth organizations also worked as an intern in a UN mission for some months. It is therefore crucial to note, how the different agents are, besides their constant motion and scalar reinterpretation also not as clear-cut independent spheres of agents to begin with, as the people within different institutions or NGOs shift their positions.

5.4 Normalization of the state as the primary duty-bearer

To conclude, the Universal Periodic Review is essentially also a scale-making endeavour. While making sense of the UPR as a process, informants also produce a hierarchical scale of the national and the international. This scale is further built on, as human rights as a moral framework is grafted onto the scale. The international is perceived as the locus of human rights, whereas the national level acts in the sphere of “policy”, and is perceived as the one resisting human rights.

Furthermore, scale-making is one of the ways that maintains the hegemony of the human rights discourse. The human rights become the sphere of the international, the “top” that is expected to influence the “down”. It is hierarchically situated as the global moral framework that is supposed to guide what happens at national level, what kind of legislation should be in place for individual human beings to enjoy their rights. When

national legislation fails, debates are brought to the global human rights framework in the form of human rights claims, in order to influence the national legislation.

Yet, when analysing how the different actors are described and situated on the scale of the national and the international during the course of the UPR, we can see that it is not as clear as expected. Different actors are described to shift their positions on the scale of the national and international, depending on how they position themselves to human rights. The scale itself becomes naturalized and unquestioned.

As shifts between the levels are ascribed regardless of what roles different agents have in the process, we can conclude that scalar practices are not simply objective or neutral descriptions of things in the world, but that the different scales are created through interaction: “Thus, linguistic or broadly communicative practices of some kind always contribute to scaling. They allow us to see how participants ‘do’ scale in different ways, how they invoke, switch, or collapse scalar models and sometimes try to contest them.” (Gal 2019: 93).

The scales are produced partly through the architecture of the institutional process itself, as it ascribes different roles onto different states. However, through the shifts that take place and are ascribed to the different agents in interaction, we can also see that the youth representatives involved have some space to shape the scale in their terms, and the scale is not simply an object in the world waiting to be analysed, but rather, is created through interaction and in conversations. This becomes evident in its dependence of how the informants ascribe the moral scale of human rights onto it.

As the struggles of young people are turned into human rights claims and brought to the United Nations, the youth organizations are not only attempting to legalize their moral claims. While criticizing the state for not delivering on human rights to young people, the youth organizations are nonetheless consenting to the state being the primarily responsible actor for ensuring the human rights:

“The legalization of rights is mystifying (in the historical materialist sense) insofar as it raises false expectations that the state can solve social and economic problems, and normalizing, insofar as it employs the legal/bureaucratic system but does not challenge it.” (Wilson 2007: 352).

The hegemony of human rights is therefore maintained through a system that emphasizes the responsibilities of the individual states toward ensuring human rights, as a primary “duty-bearer”. Returning to the consent entailed in Gramsci’s definition of hegemony, we can see, on the one hand, that the youth representatives are normalizing the existing system by scaling and expressing their challenges through it. On the other hand, the hegemony of human rights over the national level also allows the informants to address issues that they could otherwise not necessarily tackle in their national contexts alone.

6 The youth rights discourse

This chapter explores how rights are spoken about, as well as how they are created. How are they thought about, and how do informants draw legitimacy to their claims through the human rights machinery? I will start by exploring the hegemony of human rights in Pierre Bourdieu's terms of doxa, orthodoxy and heterodoxy (Bourdieu 1977). This will provide an understanding on what the debates concerning human rights are about among the youth representatives, and what is left outside of debate.

In the second subchapter I will provide an overview of how the youth representatives are through their activities and engagement with the UPR defining issues as human rights violations. The third chapter summarizes findings of how the global discourse on human rights is being shaped on the one hand, and how the global discourse on the other hand shapes the discourses of the informants. The concepts of vernacularization and legalization are used to elaborate on the processes happening here.

6.1 The contested human rights mechanisms

How does the hegemony of human rights come into play in the context of European youth organizations and their use the human rights discourse? According to Bourdieu, "Every established order tends to produce (to very different degrees and with very different means) the naturalization of its own arbitrariness." (1977: 164). While trying to understand how hegemony is at play in the context of human rights and the Universal Periodic Review, it is therefore interesting to discover what has become naturalized in the case of the youth organizations engaging with the Universal Periodic Review and how this naturalization takes place. In this subchapter I will therefore describe how the hegemony of human rights works, through the lense of Bourdieu's concepts doxa, orthodoxy and heterodoxy, as defined in the *Outline of a Theory of Practice* (1977).

Bourdieu defines doxa as "that which is taken for granted." (1977: 166). According to Bourdieu, understanding what constitutes the doxa, that is, the field of the naturalized and undisputed, only becomes evident when analysing the fields of orthodoxy and

heterodoxy. Orthodoxy refers to “straight, or rather straightened, opinion”, that is, the legitimate discourse, and the right way of speaking or thinking (Bourdieu 1977: 169). The area of dispute, the heterodoxy, is what also reveals the doxy:

It is by reference to the universe of opinion that the complementary class is defined, the class of that which is taken for granted, doxa, the sum total of the theses tacitly posited on the hither side of all inquiry, which appear as such only retrospectively, when they come to be suspended practically. (ibid.: 168).

What can be disputed in the context of the studied field, to summarize findings from across the various sources of data, are the ways how governments should ensure that human rights are realized, how the mechanisms that bring them into life should function, as well as how governments should be held accountable with regards to protecting and ensuring human rights. This includes the issue of how human rights of young people should be treated, how the rights of various minority groups should be ensured, whether there is need for new mechanisms, a convention on youth rights or special procedures on youth.

Critique was directed towards the human rights mechanisms and how they are functioning, not towards human rights themselves. While human rights were never debated, the related mechanisms and how human rights are brought into practice through institutional processes was a general topic of discussion and also disagreement. This was also addressed in various speeches, with different examples how the mechanisms are not working for young people or youth organizations used to support the argument. Numerical evidence towards the failure of human rights mechanisms to young people was repeated both in informal discussions as well as panels: “For example, in the 1st and 2nd cycles of the UPR, out of all the tens of thousands of recommendations, there were only 140 recommendations on youth, which is less than 0.5 % of all recommendations.” Similar examples were repeated in various occasions.

Following the Human Rights Council resolution 35/14 on youth and human rights (2017), OHCHR published a report on Youth and human rights (United Nations Human Rights Council 2018). The report to the Human Rights Council presents the state of play of challenges that young people face in the realization of their human rights, as well as puts forward recommendations on actions the UN Human Rights Council could take to improve the rights of young people. It recommends the Human Rights Council to consider

measures such as “mainstreaming the human rights of youth through existing mechanisms, policies and programmes” and introducing a special procedure on youth, as well as “considering the possibility of an international instrument” (ibid.: 16).

While the OHCHR report was warmly welcomed, the recommendation on mainstreaming was commented on with reservations, stating that even with mainstreaming, which was perceived as the least ambitious of the recommendations, it still depends fully on the States at the Human Rights Council, as they are the ones to decide what they recommend on. The mainstreaming was understood as increasing the amount of recommendations on youth within human rights mechanisms. The suggested action was one that does not require any further decisions by the Human Rights Council and could immediately be implemented by Member States. This on its own contributed to youth activists being pessimistic about the recommendation leading to any change in current practices. We can see there is more trust towards written or legalized commitments or agreements of Member States.

Mainstreaming youth rights is often referred to as the prevailing approach to youth within the UN human rights system, and is also understood as the way how youth organizations are currently attempting to increase the focus on youth by engaging with the UPR process. Youth activists simultaneously criticize Member States for not passing forward recommendations on the topics relevant for youth. As we saw in the earlier example, this is backed with quantitative arguments, specifying the percentage of recommendations on youth from recommendations across the UN human rights system. The following example is from another panel, where the human rights mechanisms were criticized for not sufficiently considering youth:

Mainstreaming alone is not enough. There is a need for specific protection to tackle discrimination against young people and to remove barriers that are stopping them from accessing their rights. Though political will is lacking, need to be more ambitious than just mainstreaming.

The informants are contesting existing legal frameworks that they find are not sufficient or even contradicts their view of how societies should function. While doing so, they do not, however, seem to contest human rights as a legal framework, but focus on improving national legislation through advocating for UPR recommendations. Critique regarding the human rights framework is targeted towards how it delivers its promises, rather than its existence in the first place. What is also noteworthy, is how the legalization of struggles

of young people is also in the case of the informants serving to maintain the state as the legitimate source of power. While criticizing the national legislation and operating through a UN process, the informants are reinforcing the state as the primary responsible for delivering on human rights.

The examples above about critique towards the human rights mechanisms can be seen as constituting the field of opinion, that is, the heterodoxy. Furthermore, the informants recognize that human rights treaties and covenants are the result of extensive political work and debates, which is referred to indirectly in the various occasions when youth rights are discussed, in particular in the occasions of the premise that youth rights are not a set of new rights. Here is how another informant phrased it in an interview, when defining what youth rights are:

We're not talking about anything which is not in the existing treaties necessarily. More that it somehow... seems to be somehow acceptable that young people are not enjoying the rights that other people, normal people have, in those treaties.

The treaties and their contents could be interpreted as orthodoxy, in Bourdieu's terms. They consist the "acceptable ways of thinking" (1977: 169) in the context of this research. In light of the heterodoxy, the contested and debated area of how human rights mechanisms should work, as well as the orthodoxy, which is the various treaties and their contents, we can start understanding what might constitute the field of doxa. According to Bourdieu this is only possible by looking at it through the lense of field of opinion:

The truth of doxa is only ever fully revealed when negatively constituted by the constitution of a *field of opinion*, the locus of the confrontation of competing discourses - whose political truth may be overtly declared or may remain hidden, even from the eyes of those engaged in it, under the guise of religious or philosophical oppositions. (1977: 168).

Cowan writes about the minority procedure of the League of Nations, through which minorities could express concerns in the form of petitions. The established procedures and their condition to avoid violent language in the petitions, refers to a "larger struggle over legitimacy and control of the means of violence." (2003: 276). This was particularly the case for minorities in newly formed states in the Balkans. The language appropriate in the context of minority petitions was limited by the process, and only petitions addressed in acceptable ways were investigated (ibid.: 280). The practices of defining

certain formulations as violent language and dismiss minority petitions due to unacceptable expressions was a way to maintain the hegemony of the both the newly established League of Nations and the sovereignty of the new states that were part of it (2003). The conditions for language “structured the field of the sayable within this domain” (ibid. 287) and were set by the international institution.

In a similar manner, the human rights discourse is determining the acceptable ways of thinking. What remains unquestioned within the context of the informants, is human rights as a legitimate moral framework. In other words, that human rights should be the moral set of values guiding the direction of how governments and institutions should change their actions globally, as well as as set of moral values to protect and defend. Furthermore, the process establishes and acknowledges states as the primarily responsible actors for ensuring the realization of human rights, which is also outside of the realm of debate. This constitutes the field of doxa.

6.2 Defining human rights violations

One of the informants described human rights mechanisms as a new way to do advocacy for the same topics that organizations are already working with in their usual settings. It was mentioned as a supportive mechanism to their usual advocacy towards national decision-makers. Many also highlighted that youth organizations do not necessarily realize that the topics they are advocating for are human rights issues or violations and matters of age-based discrimination. Redefining their work and the topics the organizations are working with as human rights violations seems to be a key aspect worth taking a closer look at. What we can see happening here is “defining and naming problems as human rights violations” (Merry 2017: 41). This is a crucial part of human rights in practice.

A key debate that was referred to having taken place when the organization defined its policy on youth rights back in 2011, was the debate whether to focus on the rights of the entire generation of youth or the rights of specific minorities or marginalized groups who are young. This was described by an informant who had been a member of the working group on youth rights as well as a board member of the organization:

It was hard, at the beginning, to talk about youth rights. At first, the difficulty was that some specific groups within the organization wanted to talk about the rights of specific groups of young people. – – It was about different minorities, the rights of women, migrants, the rights of sexual minorities, instead of saying it as youth rights.

The distinction between the rights of groups and the rights of the generation was also brought up by a few of the informants as they defined youth rights. This is how a representative of a member organization phrased it: “One should defend the rights of genders and sexual minorities, but equally so one you should defend the rights of the entire generation.” Sometimes it was merely a distinction between the two, and sometimes they were pointed out to be contradicting each other. One informant noted that this had been one of the main debates within the organization when developing the internal policy on youth rights back: whether or not to focus on specific groups within the category of youth, or whether to talk about the entire generation and how the human rights of all young people should be realized. The groups whose rights were mentioned across the data as distinct from the category of “youth rights” were minorities, migrants, children, LGBTQI youth and women.

What is interesting to note, is that some of these categories overlap with what is also specifically defined to be in the field of youth rights. This became also evident in the UPR submissions, where youth rights as such were very rarely mentioned, despite the action of taking part in the UPR being understood and defined as one of the ways to advance youth rights. Instead, a various range of topics or issues and the rights of groups were mentioned in both interviews and during the participant observation, as topics that are part of “youth rights”.

The concept of youth rights seems to cover a wide range of issues. Below is a list of topics that informants referred to when speaking of “youth rights”. It remains unclear whether all the informants would agree to all items in the list. Furthermore, there could be topics beyond this list that are identified as parts of the category but did not come up in the data. This, however, is the range of different topics that were mentioned in different contexts, understood as belonging to the category of youth rights:

- Political, economic, social and cultural rights
- The right to autonomy, having access to housing, finding yourself and becoming a part of society
- Young people's health, including mental health and sexual health
- Access to social services

- Access to education
- LGBTQI rights
- the rights of refugees
- Youth employment, unpaid internships, working conditions of youth, income, abolishing the different minimum salary for youth
- Youth participation, lowering the voting age to 16, the age to run for public office
- Military service and conscientious objection
- Rule of law
- Civic space
- Peace and security
- Rights of future generations of young people

In a nutshell, youth rights are perceived to cover a wide range of issues that are of concern for young people in particular in comparison to the rest of the society, and the debates regarding the topic were in my data about whose rights to focus on and through what mechanisms those rights should be delivered and ensured. Simultaneously, they were also speaking about issues that young people are facing. In Sally Engle Merry's terms (2007: 41), the informants are in this way identifying various issues as rights violations.

In his analysis of the power of human rights in Bolivia, Mark Goodale uses the concepts of connotative and denotative power to describe the "two broad ways in which power functions within human rights discourse in Bolivia –." (2007b: 146). Denotative power is described as reference to specific human rights, whereas connotative power means generic references to human rights, without referring to any specific human rights treaties or covenants or the UDHR itself. (ibid. 146–147). These are applied in his own ethnographic research:

— in Bolivia, there is clear difference between the allusive reference to the idea of human rights, the gesture toward the moral universe which the fact of human rights implies, and the attempt to anchor claims (legal and non-legal) in relation to specific human rights provisions, regardless of whether such claims are actually enforceable in these terms, or even whether such attempts are legally or philosophically plausible. (ibid.: 150).

The distinction made by Goodale facilitates in understanding elements the youth rights discourse is drawing from, the different ways human rights are referred to and how the power of human rights functions in practice. In the case of European youth organizations, we can see both connotative and denotative powers in action. When explaining or teaching the concept of youth rights to others, informants often made references to rights listed in either the UDHR, one of the international covenants, the European Convention on Human Rights or the European Social Charter. Links to existing human rights

frameworks were provided as evidence to their human rights claims, as if to prove how the topics indeed are human rights violations, despite often not being recognized as such by the institutions or politicians.

Formulating their claims in this regards was discussed in analytical terms. Not only were the rights claims framed as human rights, but the informants also discussed the principles guiding their actions, namely the rights-based approach. The rights-based approach was taught through dedicated trainings to new members by providing physical copies of the aforementioned human rights documents, and by asking the participants to link the topics they are working on in their national organizations with existing human rights frameworks. Here we can see the denotative power of human rights at work, with informants consciously drawing from the strength that the human rights framework carries. This can also be seen as a way of legalizing their claims, as they link the struggles of young people with human rights and attempt to gain recognition to youth rights.

The rights-based approach meant defining youth as rights-holders, defining governments and institutions as duty-bearers responsible for ensuring human rights, and situating themselves as organizations trying to support the rights-holders in claiming their rights as well as supporting duty-bearers in their duties by for instance providing them information on the situation of young people, or by holding them accountable. Engagement with the UPR was perceived as a way to hold the states accountable as well as provide them with better means of ensuring youth rights through suggesting UPR recommendations. When teaching the rights-based approach, or drafting UPR submissions, specific rights frameworks were referred to. In other occasions, we enter the field of the connotative power of human rights, where the informants were simply gesturing to “toward the moral universe which the fact of human rights implies – –.” (Goodale 2007b: 150).

While the denotative power of human rights can be seen in practice in the pedagogics of youth rights and the rights based approach, it was strongly present in the UPR submissions that were written by the informants. Reference to specific human rights was used as a way to frame the submissions, in the headings, but also as arguments supporting their rights claims in the submissions. In Goodale’s terms, this is “the *attempt* to link claims to specific human rights provisions.” (2007b: 150).

Debates with external stakeholders were also referred to, and resistance to the concept of youth rights was reported by some of the informants. Beyond debates among youth organizations on the concept of youth rights, some of the informants also shared instances of meeting with institutional actors whom they had found out to be “against youth rights”. One of the informants shared a story of when they had met with their minister of foreign affairs, the person had responded with “Well why would young people need rights?”⁶. Also during the time of analyzing and writing this thesis, I was approached by a ministerial representative who stated that “youth rights” should not be a thing legally speaking, stating that young people are not vulnerable and in need of protection in the same way that children are. In further research on the topic, it could be fruitful to look into the potentially conflicting views of different institutional stakeholders in comparison to those of young people in youth organizations. Due to the limited scope of a master’s thesis, these aspects could not be reflected on properly in this research. However, it is worth noting this as an area of dispute both within and outside of the membership of the organization, and among some institutional and governmental actors.

Topics referred to by informants during meetings and interviews when referring to youth rights were similar to those covered in the UPR submissions. The submissions refer to challenges faced by young people in much further detail, with information on violations of the human rights of young people. Topics that were mentioned by informants when defining youth rights that were not covered in any of the UPR submissions, were youth, peace and security⁷, the rights of future generations, civic space, autonomy and housing. Similarly, topics that could be found in the UPR submissions, but were not mentioned by informants were youth poverty, access to social protection, access to financial and lending services, lack of education on financial matters and violence against women.

Furthermore, we can see that the UPR submissions went to further detail in describing the challenges of youth than the informants did in interviews or during their meetings. While many of the topics were similar in interaction and in the UPR submissions, we can see that the UPR submissions describe several challenges that were not mentioned by informants at any point during participant observation or in. The UPR submissions often

⁶ Original in Swedish: ”Varför sku då unga behöva rättigheter?”

⁷ Youth, peace, and security in the studied context, refers vaguely to the ideas referred to in the UN Security Council Resolution 2250 (2015) that recognizes the role of youth in building peaceful societies. The resolution was sometimes referred to by some of the informants as an example reflecting the idea behind youth rights, as they saw that peaceful societies are not possible, unless youth rights are realized. This was backed with references to the Arab Spring.

also specify which particular group of young people are specifically facing a particular challenge in the context of the country under review – for instance, LGBTQI youth, language minorities, or Roma youth. This was not the case in interviews or during meetings of the working group.

When it comes to solutions provided across the different UPR submissions, it is interesting to remark that they are all very alike across all the submissions, regardless of what challenges or topics are being addressed in the documents. Below is an overview of the different kinds of solutions that were provided by the informants in the submissions.

Improvement of the access to rights by improving or establishing new mechanisms protecting the rights of children and youth was a common category of solutions. Nearly all UPR submissions included recommendations to increase the access to education of a specific group or about a specific group or topic in the school curricula. The range of challenges that were being addressed through an improved access to education varied from sexual health to hate speech and mental health issues.

Providing funding or support for youth organizations was a common recommendation for a wide range of reported challenges. This was provided as a solution to increase youth participation in decision-making, to promote sexual and reproductive health in schools, to advance LGBTQI rights, or to support young refugees. Increasing the amount of research or data on a specific topic was recommended in particular for LGBTQI related issues. Similarly, redefining the official grounds of discrimination to include LGBTQI issues came up in several UPR recommendations.

Direct empowerment or encouragement of youth was provided as a solution for a various range of issues, from defending LGBTQI rights to increasing youth entrepreneurship, as well as raising the awareness of young people on mental health services. Some recommendations focused on improving the access to fair remuneration of young people entering the labor market. This included the prohibition of unpaid internships as well as abolishing lower minimum wages for youth. Increasing the access to healthcare services was brought up both when referencing the rights of transgender youth to healthcare, and the right to sexual health or mental health of young people.

The final category of solutions was to involve young people in formal decision-making in various levels. Recommendations in this category were about including young people

or youth organizations of specific kinds in decision-making processes and policy making as well as lowering the age of candidacy or the voting age.

When describing challenges that young people are facing, informants referred to rather existential threats: the lack of hope for the future, collapsing societies, the threat of the end of the welfare society, youth being excluded from democratic processes in society, as well as the threat that climate change is posing to humankind. While climate change did not come up in any of the UPR submissions, the rest of the existential challenges could be found to be addressed in one way or another in the documents. They took the shape of mistrust in the societal system, as well as the lack of inclusion in decision-making.

Engaging with the UPR is one way of phrasing challenges or issues in a legal format, drawing legitimacy from the global human rights discourse. The legalization of societal debates seems to be an increasing tendency since the 1990s:

“With the relative success of this strategy, especially in the 1990s, many more local moral claims have been reformulated in the language of human rights and this has exacerbated the tendency to channel societal discord into the legal process, and thereby to channel political contention into the legal process.” (Wilson 2007: 351).

Women’s rights are created through women’s rights movements across the world and take very different understandings and shapes across their various instances. The global notion of women’s rights was created through those various movements: “Women’s human rights ideas emerged from national women’s movements, which pressured the international human rights system to incorporate women’s rights as human rights.” (Merry & Levitt 2019: 149). A similar phenomenon could be read into what is happening around youth rights. The youth representatives are extending and expanding the notion of human rights to tackle issues they perceive young people are struggling with. Merry and Levitt see this as a spiral process in the case of women’s human rights, as the human rights treaties impact how human rights are understood and legalised globally, and women’s rights organizations and social movements influence what the international law is in the first place, with the result of womens’ rights being established as human rights (ibid.). In the case of youth organizations, a similar spiral process seems to be taking shape, as the youth representatives are influenced by the global human rights discourse, and are trying to advocate for recognition for their ideas of youth rights in global spaces.

Some of the women's rights norms from across the local women's rights movements across the globe "are now legitimated by acceptance by the global community." (Merry & Levitt 2019: 146). The norms package that is presented in the subchapter above concerning youth rights, is similarly gaining recognition within the UN. When comparing the list of topics on youth rights with that presented in the recent report on youth and human rights from OHCHR (United Nations Human Rights Council 2018), we can find a high level of similarity with the presented challenges in the realization of young people's rights. Most of the topics referred to by the informants could also be found in the UN document, as barriers faced by young people in reaching their human rights, with an almost identical list of issues.

There is a clear intentionality involved in the engagement of youth organizations with the human rights mechanisms, not simply as a one-way adoption or interpretation of global ideas of human rights. In the example above on women's rights movements, we can see how the civil society has an important role in shaping the global norms. A similar case can be seen in the context of youth organizations, where young people are both trying to influence how human rights become realized in the case of young people, but also how the human rights mechanisms themselves could better function from the perspective of youth. Merry and Levitt also refer to this, pointing out how human rights are not only translated into local contexts, but that social movements also have a role in defining what those global norms are: "Clearly, the production of such global norms is itself a social process, deeply shaped by local social movements whose ideas and agendas constitute the global norms." (2019: 146).

The intentionality here is targeted towards the ways how the global norms are put into action. A premise that was very often stated out loud by the informants was that the intention is not to create an entirely new set of rights. This came up in the very definition of youth rights, as described by the informants: "It is not a matter of some new rights that wouldn't yet exist, but a question of how, from a youth perspective, people should reach their human rights."

Instead of the creation of a new set of rights, the informants underline how youth rights are about reflecting on existing rights, in the context of a specific age group – youth. While arguing that youth rights are not rights that do not yet exist, the informants were simultaneously also calling for a convention on the rights of young people, in order to

improve the ways how governments are currently ensuring the realization of their rights. It is interesting to see that a new convention is not perceived as a new set of rights, but rather, an extension of the existing frameworks. This is what Wilson describes as legalization: “Legalization refers to the way in which moral claims become positivized in law, be it that of the nation-state or an international body.” (2007: 351). He also describes how human rights activists find it crucial that moral claims are “enforceable in a court of law if they are to endure.” (ibid.). Calling for a convention on youth rights, but perceiving youth rights as part of the existing human rights ideas, can be seen as expanding the notion of human rights to cover the specific group of youth through rights claims, and attempting to legalize those claims to mechanisms through which those in power can be held accountable.

While the informants did not primarily identify themselves as human rights activists in this context, but simply, representatives of youth organizations, they did, however, follow this logic described in Wilson’s work. For the realization of the rights of young people, there would have to be stronger legal mechanisms to ensure them. This critique extended also to the Universal Periodic Review, which some of them stated worked mainly through naming and shaming, underlining how its success entirely depended on the willingness of the governments to deliver on their promises. Perhaps for this reason, they were calling for mechanisms that would overcome this dilemma, delivering more strength to the claims by making them “justiciable”, to borrow Wilson’s term (2007: 351).

6.3 Youth rights and the resonance dilemma

Merry and Levitt describe how norms are transformed as they are brought to new contexts. They criticize views that see this process merely as diffusion, and instead underline how norms are “embedded in social relationships, identities and subjectivities and are transformed by the social context into which they move.” (2019: 145). With the hegemony of human rights in the spotlight of this thesis, it is therefore useful to look at how the global human rights norms are transformed in the studied context, as youth organizations engage with human rights mechanisms and adopt human rights norms in their own contexts.

In Merry's and Levitt's research on women's human rights, it is evident how in the organizations they studied in different parts of the world, the global women's rights ideas are vernacularized: "As it is vernacularised, it is reshaped so that its ideas and practices bear little resemblance to the original legal documents and political projects that put them into motion." (Merry & Levitt 2019: 164). One of the main aspects impacting how much the global ideas are reshaped in their new context is the gap between the global discourse on women's human rights compared to the local understandings and cultural norms (ibid.).

The members of the European working group, as well as the individuals from member organizations that they are engaging with can both be understood as intermediaries in the sense of Merry's and Levitt's definition. They "take global ideas, developed in one social context, and interpret them in terms that are more effective for another social context." (Merry & Levitt 2019: 146). Based on the meta-language used about youth rights, this borrowing and adoption of human rights as an idea can be seen as an intentional project. It becomes particularly clear in their descriptions of the rights-based approach which is understood as a way to advance youth rights, as well as an approach to their advocacy work in the first place.

In the case of the youth organizations in focus of my research, the European umbrella organization of youth organizations was in a key position in supporting various local organizations in framing struggles of young people in their contexts. In some of the cases, however, it was evident that framing the topics as "youth rights" had little credibility on local level. This was brought up at the meetings of the working group, when members were reporting and evaluating the process of engagement with the UPR in the case of their national organizations. In this way, they acted as intermediaries, translating the way the European youth organization framed human rights issues to locally more acceptable understandings in order to get them involved in the first place. While doing so, they also seemed to sometimes face challenges in translating the human rights discourse into the context of youth organizations in their local and national contexts. It is unclear whether the two different national cases where this was reported were an exception or if it was an issue throughout the different countries where youth organizations were involved with the UPR together with the European umbrella organization. Further studies on the topic

would provide more understanding on the matter from the perspective of the local and national youth organizations.

In the case of the two organizations where this was stated to be a challenge, we can see the problem of resonance at play. The resonance dilemma refers to the necessity for human rights to be locally adapted in order to be adopted in the first place in new contexts. This on the other hand limits their transformative ability. As Merry and Levitt phrase it:

All human rights ideas need to be locally adapted, but in order to be deeply transformative, they cannot be overly resonant. On the other hand, if they are insufficiently different from prevailing moralities, they may well be accepted but not institute change. (2019: 165–166).

The resonance dilemma appeared to be an issue of framing the challenges that young people experience as human rights violations. While this seemed to be the main understanding within the European organization, this was not necessarily the case in the local or national organizations. This should not be understood as a rejection of human rights on behalf of the local organizations, but reservations as to understanding the challenges of young people as linked human rights violations, which was the approach promoted by their umbrella organization at a European level.

The question arises, why would the local youth organizations decide to use the human rights discourse, and to what extent they did so in the first place, concerning the resistance to the ideas. By framing the challenges of young people as human rights violations, national organizations gained support from both the European organization as well as the human rights system itself. In the case of women's human rights, Merry and Levitt "found that women's human rights had a transcendent authority based on the recognition that these were ideas that many countries had accepted, that they represented the collective opinion of a global society, and perhaps also global ideas of modernity." (2019: 153–154). Furthermore, one of the advantages of the adoption of the human rights discourse is the possibility of gaining "access to allies outside the local community" (ibid.: 164). Due to the resonance dilemma, however, framing human rights issues in ways more alike the global ideas than the local understandings, easily creates a gap with the "local ways of framing problems" (ibid.).

For Levitt and Merry, vernacularization may also entail that human rights ideas in their new contexts and shapes are so much transformed from the initial ideas, "that they no

longer carry the meaning that is embedded in the system as a whole.” (2016: 36). In the context of the European umbrella organization for youth organizations, there seems to be very little changes or transformations in the discourse of human rights. Furthermore, the resistance that Levitt and Merry refer to in their work, seems to happen in the sphere of the national and local organizations when the national organizations discuss youth rights with their own membership as they engage with the UPR, instead of within the European umbrella organization

In the context of the European umbrella organization, there seems to be very little transformations of the global human rights ideas, and perhaps also very little is transformed by the human rights discourse within the organization, following the logic of vernacularization. The similarity of the global human rights discourse and that of youth rights can be seen for instance in the high resemblance between the barriers of young people in accessing their human rights, as described by OHCHR in their report, and the human rights challenges that the informants referred to. The differences appear at the level of detail in the UPR submissions, which are prepared by the various member organizations from across Europe.

7 Conclusion

This thesis started from an interest in understanding what the concept of youth rights is about, in particular, within the context of European youth organizations. Youth rights are being advanced through various ways by youth organizations in different parts of Europe. One of those ways is engaging with the United Nations Universal Periodic Review.

My research has focused on tracing how the European umbrella organization of youth organizations engages with the UPR. The thesis has focused on three research questions. Firstly, how do European youth organizations maintain the hegemony of the human rights discourse as they engage with human rights mechanisms? Secondly, how do young people involved in youth organizations make human rights claims? Thirdly, in what position does the use of the human rights discourse put the young people in regards to the hegemonic discourse? The focus has been on finding out to what extent the young people are shaping the hegemonic discourse and to what degree they are ruled by it.

To approach these questions, I conducted participant observation and interviews between September 2018 and March 2019, within the context of the Brussels-based umbrella organization of approximately 100 European youth organizations. The primary data consists of notes from participant observation of the work and meetings of a working group focusing on youth rights, as well as 11 semi-structured interviews and some informal interactions, and some UPR submissions written by youth organizations. This is supported by secondary data, namely, policy papers and publications on youth rights, and a UN report and resolutions on youth and human rights. Discourse analysis was the main method of analysis for the data.

Making human rights claims entails defining issues, struggles or debates as human rights violations. In the case of the studied youth rights discourse, a variety of issues were identified as youth rights issues, and challenges that young people are facing. The topics that were mentioned in different contexts and understood as youth rights, were the following: political, economic, social and cultural rights; the right to autonomy, having access to housing, finding yourself and becoming a part of society; young people's health, including mental health and sexual health; access to social services; access to education; LGBTQI rights; the rights of refugees; youth employment, unpaid internships, working

conditions of youth, income, abolishing the different minimum salary for youth; youth participation, lowering the voting age to 16, the age to run for public office; military service and conscientious objection; rule of law; civic space; peace and security as well as the rights of future generations of young people. The informants also made a distinction between youth rights as the rights of the entire generation, and the rights of specific minorities within the category of youth.

Furthermore, making human rights claims requires a certain grasp of the UN register. This means knowing the practices and language required to be able to address issues through the UPR. I have defined the UN register in the sense of Asif Agha's use of register (2005). The working group that supported members of the umbrella organization in taking part in the UPR, has an essential role in the process of language socialization. While the members themselves are also new to the UPR process, they facilitate member organizations in formulating their UPR submissions in ways that are appropriate in the UN context.

Through their engagement with the UPR, the youth representatives are learning to grasp the UN register. The European umbrella organization of youth organizations has a support structure in place for its member organizations as they engage with the UPR. Instead of support in the content of the documents, the main aspect that is commented on by the members of the working structure as they support the member organizations in drafting UPR submissions, is the form of the document. On the one hand this was explained as a way to ensure the UPR submissions reflected strongly the views of the submitting organization and their context, and on the other hand the members of the working group stated they did not always know the national context well enough to feel confident in providing support regarding the contents or choices of topics. Furthermore, the members of the working group guide the member organizations through the UPR process, by explaining for instance, what to do and when, how to approach diplomats, and whom to approach in the first place. All of these aspects can be seen as pedagogics of the UN register, the appropriate ways of addressing issues through the UN Universal Periodic Review.

For the involved youth organizations, both the choice of topics as well as phrasing of UPR submissions and recommendations are shaped by previous recommendations made by states to each other, as well as UPR submissions that have been made earlier in the

process by other youth organizations. This contributes to recreating and maintaining the human rights discourse around various topics that are addressed in a similar shape. Human rights are also perceived as a limited spectrum of topics. Not all topics the informants advocated for in other contexts were perceived as sufficiently linked with human rights, for them to be able to address them through the human rights mechanism, and to turn those topics into human rights claims.

When struggles are defined as human rights violations and addressed through the UPR, the struggles are scaled. Firstly, they are defined as national human rights issues through the UPR submissions, and then brought to the international institution to be addressed. Secondly, the state is being defined and identified as responsible for the human rights violations and as a duty-bearer who is supposed to ensure that the human rights are realized. Thirdly, in the UPR process, the state then receives recommendations from an “international” audience of peers on how to improve the human rights situation in the country.

This scaling happens through interaction and is institutionalized in the UPR process. Informants bring challenges of young people to a forum at a “high level”, and try to have a “top-down” approach to solving those challenges. Making human rights claims concerning young people’s rights is a scale-making practice, where the struggles that are defined as local or national, are brought to the international institution in order to be recognized as human rights violations, and then scaled back to the national level as possible solutions or legal change contributing to the human rights situation young people.

In this context, scale-making is one of the ways that maintains the hegemony of the human rights discourse. The human rights become the sphere of the international, the “top” that is expected to influence the national situation, which is the “down”. It is hierarchically situated as the global moral framework that is supposed to guide what happens at the national level, what kind of legislation states should put in place for individual human beings to enjoy their rights. Human rights are described by the informants as something unchanging and long-term. This is opposed with the sphere of policy, which is understood as being in the short-term. The sphere of the international is the sphere of human rights, whereas individual states are seen to resist human rights, and operate in the area of policy

instead of human rights. Therefore, the national-international dichotomy is not a neutral one, but a moral dichotomy of alignment or resistance of human rights is grafted onto it.

Through the actions and support practices of the European youth organization, the informants are learning to identify and frame challenges of young people as human rights violations in acceptable forms of language that the human rights discourse constitutes. However, using the human rights discourse and speaking about youth rights does not in itself constitute youth rights as a legally recognized matter. This requires institutional power that is derived from national or international legal instances, through international agreements or legal instruments. In this sense, the instrumental character of the human rights discourse prevails, whereas youth rights as an alternative form of the discourse is an attempt to expand the influence of the human rights discourse over new topics.

Abbreviations

NGO	Non-governmental organization
OHCHR	Office of the High Commissioner for Human Rights
RS	Recommending State
UN	United Nations
UDHR	Universal Declaration of Human Rights
UPR	Universal Periodic Review

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